

ORAL ARGUMENT SCHEDULED FOR SEPTEMBER 16, 2024

Case No. 24-1130
Consolidated With No. 24-1113

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

TIKTOK INC. and BYTEDANCE LTD.

Petitioners,

v.

MERRICK B. GARLAND, in his official capacity as Attorney General of
the United States,

Respondent.

(continued on inside cover)

**ON PETITION FOR REVIEW OF THE PROTECTING AMERICANS
FROM FOREIGN ADVERSARY CONTROLLED APPLICATIONS
ACT (H.R. 815)**

**ADDENDUM TO OPENING BRIEF OF CREATOR PETITIONERS
VOLUME 3 of 4 (Add. 271–404)**

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Petitioners,

v.

MERRICK B. GARLAND, in his capacity
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v.

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Want to get on BookTok? Tips from creators on how to find the best book recommendations

 **Clare Mulroy**
USA TODAY

Published 6:05 a.m. ET Dec. 18, 2023 | Updated 11:56 a.m. ET March 21, 2024



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Are you a fan of those [ASMR slime videos](#) on TikTok? How about [cooking videos](#)? Mini [stand-up comedy](#) specials? There's a niche for everyone on the app, including people who spend most of their time reading books.

We're talking about BookTok of course, a place where book lovers come to connect and share recommendations for the next great read.

Looking to get out of a reading slump or make new friends? Here are tips from BookTok creators about how to get the best experience on the most well-read side of TikTok.



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Nina Haines, founder of Sapph-Lit, reading one of her recent favorite books. Clare Mulroy

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What is BookTok?

BookTok isn't a separate app – it's a subsection of TikTok that you can get on just by typing the word "BookTok" in the search bar. When people say they're "on BookTok" it means either they create book-related videos or have a "for you page" full of them.

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"It's like a big virtual ongoing book club where there's always someone who wants to read the book you do, somebody wants to talk about the same kinds of books you like," says Kelsey Bogan, a high school librarian from Pennsylvania who runs the ["Don't Shush Me" blog](#).

How to get involved on BookTok

While you can use BookTok exclusively to find new recommendations, there are also book clubs born on the app where users can find virtual and in-person communities.

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New York-based content creator [Nina Haines](#) found this in [Sapph-Lit](#), a sapphic book club she created and has lovingly dubbed her “sweet little gay corner of the internet.”

Sapph-Lit is a product of queer BookTok, a side of BookTok where users share the latest LGBTQ+ reads. It now has about 8,000 members in 60 countries, but started on BookTok with a comment on one of Haines’ book-related videos in 2021: “[Can we start a book club](#)”.

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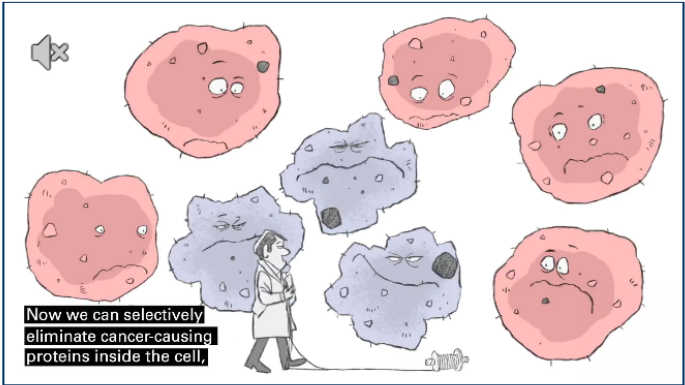
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Since its genesis on TikTok, the group has found a home on the community app Geneva, on monthly Zoom calls and even in the streets of New York. Haines has seen [IRL](#) friend groups form from Sapph-Lit and even hosted unofficial bar takeovers and in-person book swaps.

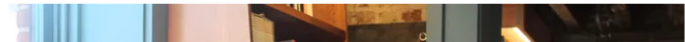
Sapph-Lit has been credited by some members as the first queer community they’ve felt safe in or the reason they came out to their parents, Haines says. And at the heart of this warm and fuzzy feeling is books.

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“Sapphics and queer women in history have been rendered invisible for so long,” Haines says. “I want to use the power that Sapph-Lit has granted me to uplift stories of authors and writers and voices that wouldn’t be on popular BookTok.”



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Nina Haines, 26, created a sapphic book club after her BookTok videos gained traction among queer readers.
Clare Mulroy

Inspired to start a bookish TikTok community of your own? Haines says to lead with vulnerability and aim to be a bridge between people who are looking for similar connections.

"Push the snowball off the cliff and it'll start getting bigger itself," she says. "Ask what (users) want, ask for feedback."

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Which BookTok book should I read?

Step 1: Figure out what genres you like to read

Do a quick keyword search in TikTok and you'll find yourself on BookTok easily, but maybe not the side of BookTok you want.

"People always make the joke that 'I don't know why everyone raves about BookTok, it's always the same five authors being promoted' and I think that is causing a barrier." Roean

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This is your “trial and error period,” Wright says. Before she started posting on TikTok consistently, Wright says she spent an entire year scoping out the different sides of BookTok to find her favorites, which include the “[friends to lovers](#)” and “[grumpy sunshine](#)” tropes as well as paranormal rom-com and [hockey romances](#).

Step 2: Search specifically

There are a couple of ways to game the TikTok algorithm so it shows you the genres you like. One hack Haines recommends is to shape your “Following” feed. Find a creator that you connect with – try searching for a book you like and find someone with similar taste – then follow them. The more you interact with their videos by liking, sharing and commenting, the more the algorithm will feed you similar content.

Just as BookTok is a subsection of the broader TikTok app, there are even more niche sides of BookTok. To find topics, try searching some of these key terms based on your preferences:

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- Queer BookTok.
- Romance BookTok.
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- Fantasy BookTok.
- Classics BookTok.
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- YA BookTok.
- HistFic BookTok (Historical Fiction).
- Memoir BookTok.
- [Banned](#) BookTok.

How to diversify your BookTok recommendations

Many popular BookTok videos involve books by white, cisgender, heterosexual authors and

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How to diversify your BookTok recommendations

Many popular BookTok videos involve books by white, cisgender, heterosexual authors and feature characters with similar identities, something Wright says frustrates her as a Black creator and bookseller.

"You have to put the descriptor 'Black BookTok,' 'BIPOC BookTok,' but then you have to go deeper. If you want a nonfiction book by a BIPOC person, you have to look up 'BIPOC non-fiction BookTok,'" Wright says. "People don't think about that – why do I have to add a descriptor just to see books by people with my same skin tone?"

In an ideal world, Wright says she would love to type in "BookTok" and see authors and characters of varied identities and experiences. But that can't happen, she says, if readers and BookTok users aren't actively diversifying their BookTok recommendations, something [she's used her platform](#) to discuss.

"If you were to go to your bookshelf right now and you were to pick out all the books that you have about BIPOC stories by BIPOC authors, how many would come off your shelf?" she [prompts followers in one video](#).

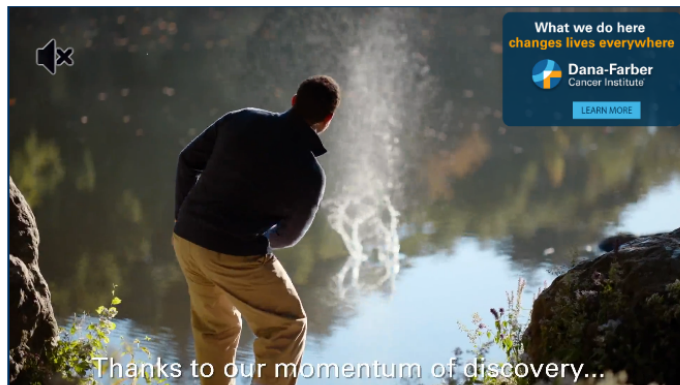


Sera Wright takes her bookish lifestyle from TikTok to Resist Booksellers, an independent Black-owned bookstore in Virginia. Courtesy Of Sera Wright

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She points to Black History Month when many non-Black creators [post recommendations of books](#) by Black authors.

"They don't make it a habit in their life, so the (month) passes and the algorithm just goes right back to what it was, right back to reading books by white authors," Wright says. "I do think that it would change the algorithm immensely if (white creators) didn't treat it as so

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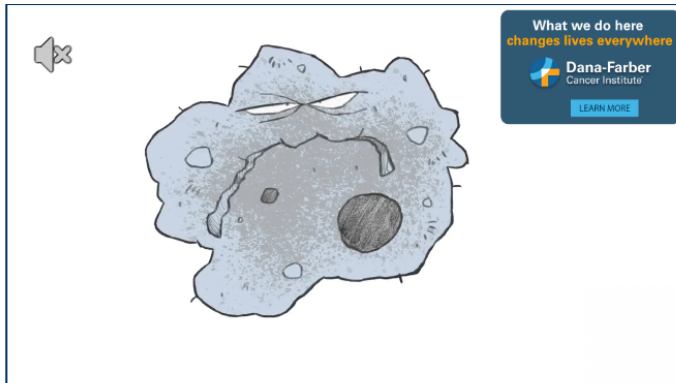
They don't make it a habit in their life, so the (month) passes and the algorithm just goes right back to what it was, right back to reading books by white authors," Wright says. "I do think that it would change the algorithm immensely if (white creators) didn't treat it as so much of a trend; if it was just normalized."

How to use BookTok for your library or bookstore

Do you make being a bookworm your 9-to-5 job, too? Good news – there may be a use for BookTok at work as well. Bogan says she's seen a "drastic increase in reading" at her library since the popularity of BookTok [skyrocketed during the pandemic](#).

"When we look to see which titles circulate the most in a year there, it's always seven out of 10 of them are ones I know have been trending on BookTok," Bogan says. "It's a definitive, noticeable impact. It's kind of thrilling."

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Bogan says librarians, particularly for high school-age readers and up, should be using BookTok as a primary collection development resource. Bogan's library has a table marked "Popular on BookTok."

"If you serve teens or adults as a librarian, not checking BookTok would be like not checking the New York Times Bestseller," she says.

It's also a way to connect with a bookish community, something Wright has done [running the TikTok account of Resist Booksellers](#), an independent, Black-owned bookstore in Petersburg, Virginia. One day it's videos about author events, the next it's a "day in the life" recap of a bookseller, the next it's a [Barbie audio](#).

Bogan says she employed a similar tactic with her school's library TikTok account during the pandemic, sharing programming, humor and recommendations on what she calls her virtual "community bulletin board."

"I always think of social media – TikTok and Instagram for us – as being a window and a tether to help the community connect," Bogan says.

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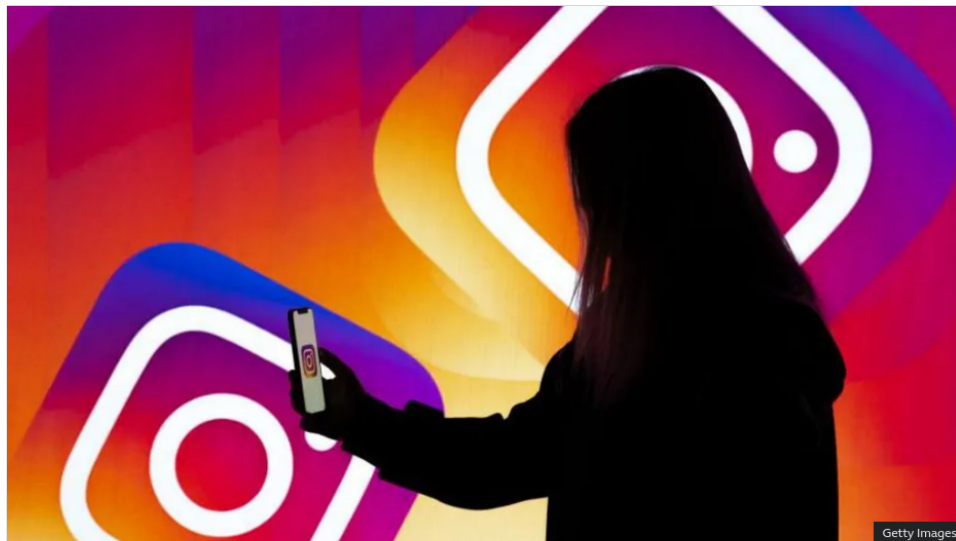


Instagram courts TikTok users with algorithm revamp

3 May 2024

By Liv McMahon, Technology reporter

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Instagram is overhauling its recommendations algorithms in what analysts say is an attempt to capitalise on TikTok's woes.

Changes to its system for suggesting content, particularly on Reels - its short-form video service - will prioritise original content and "give all creators an equal chance of breaking through".

Experts say the Meta-owned platform is trying to copy what has driven the success of TikTok - as its potential ban in the US looms.

But some in the creator community say the changes may come too late for users who have lost patience with Instagram's approach to its Reels feature.

In a [blog post](#), Instagram said it would "correct" its previous approach to recommending content, which favoured accounts with larger followings and "aggregators" which repost lots of other creators' content.

... ..

In a **blog post**, Instagram said it would "correct" its previous approach to recommending content, which favoured accounts with larger followings and "aggregators" which repost lots of other creators' content.

The changes will be rolled out over the next few months.

Jasmine Enberg, principal social media analyst at eMarketer, said it was clear what Instagram had in its sights.

"The battle for TikTok creators is on," she told the BBC.

TikTok's highly-personalised algorithm and For You Page of recommended content has made it "the platform of choice" for smaller, emerging creators keen to break through, she said.

Being so adept at promoting viral videos, regardless of who makes them, is what has helped make TikTok so popular worldwide - and is what Meta is seeking to copy, especially with its rival's future in doubt, in the US at least.

"Instagram wants to become the go-to platform for those creators if TikTok were to be banned," Ms Enberg explained.

- [US TikTok ban: When and why could the app be outlawed?](#)

'Sick and tired'

But this is not the first time Meta has tinkered with Instagram - and there is no guarantee it will work, for creators or audiences.

Katy Cowan, who runs Creative Boom - a Manchester-based platform for design creatives - told the BBC this has been "a kick in the teeth" for smaller creators.

She thinks the changes may come "too late" for those frustrated by frequent platform and algorithmic changes.

"I think people are just sick and tired of Instagram changing things," she said.

"I love Instagram and it's where I built my audience but the constant fluctuations in reach and stifled growth have made it not worth the investment in time," wrote filmmaker Travis Meadors on Meta's app for text posts, Threads.

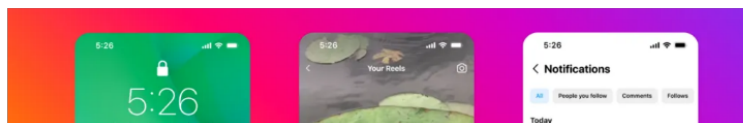
Under the changes in coming months, "aggregator" accounts that repeatedly post content they did not create, or make material edits to, will not be included in areas of the app where they are recommended to users, such as in Explore or Reels feeds.

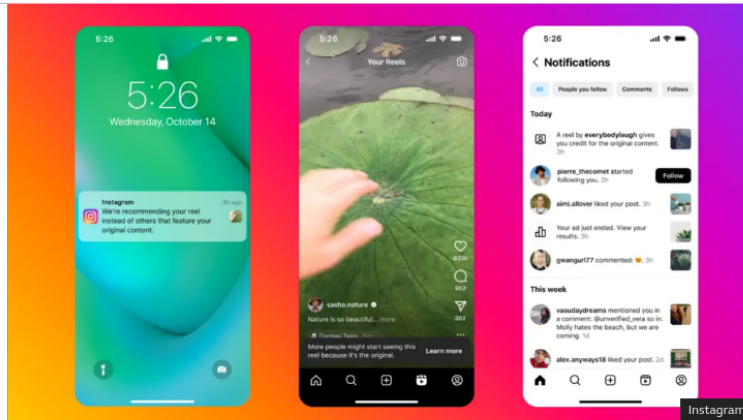
Instagram will also "reward" original creators by replacing a duplicate of a video with its original in recommendations where it finds multiple versions.

This will not apply to content which is remixed or edited to become a meme or parody, it says.

It will also apply labels attributing original creators on reposted content.

"It takes a lot of time and effort to create original content, so those who create it should get credit and distribution even when it is reposted by other accounts," Instagram said.





Instagram says creators will be notified when Reels featuring or reposting their content are replaced with their own, original content in recommendations.

Meta is not the only social media firm revamping its offering in the face of TikTok's travails.

Popular live-streaming platform Twitch - which is owned by Amazon - has also just rolled out its own TikTok-style short video feed to all users.

The "Discovery Feed" on Twitch's mobile app will provide users with a personalised, scrollable blend of clips and live streams to "help viewers find content to enjoy quickly and help streamers get discovered, even when they're not live".

Whether these changes are what creators - and customers - actually want is less clear, says Kate Cowan.

Many are now looking to other platforms such as LinkedIn for an audience.

Some, she says, feel the key to reaching people in the future may even lie with approaches from the past, and a "humble return to traditional marketing" such as in-person events and meet-ups.

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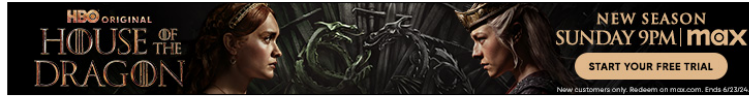


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EXHIBIT 23



CREATORS / TECH / YOUTUBE

YouTube is adding a slew of new TikTok-like features to Shorts



Illustration by Alex Castro / The Verge

/ New features include a vertical live video feed, side-by-side recording, and additional tools to make Shorts out of longform YouTube videos.

By **Mia Sato**, platforms and communities reporter with five years of experience covering the companies that shape technology and the people who use their tools.

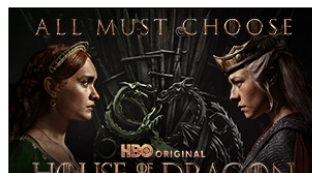
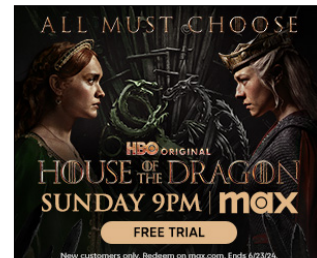
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YouTube is rolling out more features to its TikTok competitor, Shorts — including several that TikTok users will recognize.

Most notably, YouTube is experimenting with adding previews of live videos to a user's feed of Shorts (this is how TikTok live videos also appear). Viewers can click in to watch the stream and then scroll through a feed filled with other livestreams. Creator monetization features like paid chatting and memberships will be available in this feed as well.

Placing live videos in more places on the app could help creators find a new audience with Shorts. It also mirrors the way TikTok has emphasized live videos as a way to sell products, fine-tune a target audience, and host splashy virtual events that boost engagement.



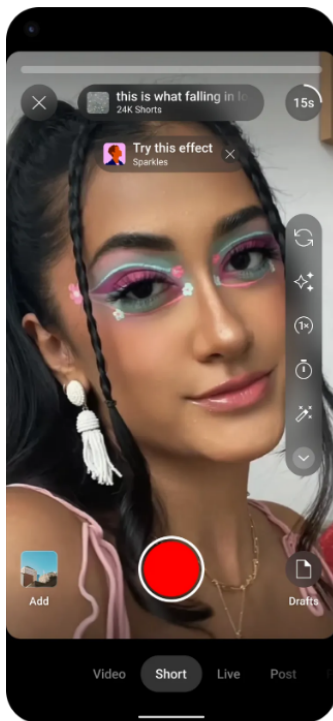
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YouTube says full-screen live videos will roll out gradually over the coming months.

The company is introducing new features for making Shorts videos, too. First, it's testing new tools to make shortform videos from a horizontal YouTube clip, including the ability to zoom and crop the original video.



YouTube will suggest audio clips and effects. Image: YouTube

Shorts creators will also get a new suggestions feature that pulls the audio clip and effect used in a video they want to recreate. It's similar to other features on TikTok and Meta's Reels; the latter recently updated its version, making it even quicker to copy and use audio and effects from another video. YouTube's version will pick up the audio from the same time stamp as the clip a user is replicating.

Beginning today, the company is adding the ability to record a video side by side with another clip, similar to the TikTok feature Duet. The feature — called Collab — will include multiple layouts, and creators will be able to use the effect on Shorts and normal YouTube videos.

YouTube has been working to compete with TikTok's shortform dominance. In an effort to pull in more creators, YouTube recently lowered its eligibility requirements to monetize on the platform, opening up some features of the YouTube Partner Program to smaller creators.

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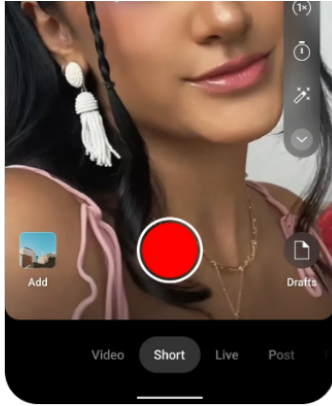
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YouTube will suggest audio clips and effects. Image: YouTube

repeating.

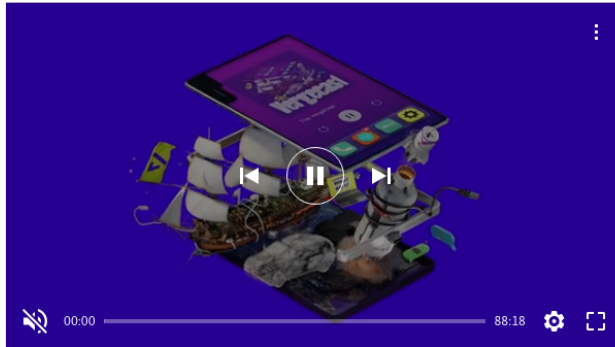
Beginning today, the company is adding the ability to record a video side by side with another clip, similar to the TikTok feature Duet. The feature — called Collab — will include multiple layouts, and creators will be able to use the effect on Shorts and normal YouTube videos.

YouTube has been working to compete with TikTok's shortform dominance. In an effort to pull in more creators, YouTube recently lowered its eligibility requirements to monetize on the platform, opening up some features of the YouTube Partner Program to smaller creators.

4 COMMENTS (4 NEW)

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EXHIBIT 24

TikTok Clones: How Spotify, Instagram, Twitter And More Are Copying Features Like The 'For You' Page

Conor Murray

Forbes Staff

Murray is a Forbes news reporter covering entertainment trends.

Mar 13, 2023, 05:00pm EDT

TOPLINE

Social media platforms have a long history of lifting ideas from each other, but as TikTok continues to explode in popularity, competing platforms like Instagram, YouTube and even Spotify are adopting their own versions of TikTok's recommended For You Page and its endless scrolling video format.



Some social media platforms are releasing their own versions of TikTok's "For You" page and its ... [+]
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TIMELINE

August 5, 2020 While TikTok's explosion was still fresh, **Instagram** introduced its own version of short-form video content: [Reels](#), which could only be 15 seconds at launch but [now](#) max out at 90 seconds, function like TikTok videos and can be shared with anyone, not just a user's followers, a feature the company said will allow people "the chance to become a creator."

September 2020 Soon after TikTok was banned in India, **YouTube** [released](#) its own algorithmic video-sharing feature, YouTube Shorts, in the country, allowing users to make 15-second videos with many creative tools and music options.

November 23, 2020 **Snapchat** [launched](#) its Spotlight feature, a TikTok-like algorithm-based vertical video sharing feed (and offered millions to creators to incentivize them to post viral content).

July 13, 2021 **YouTube** Shorts [launched](#) globally after racking up billions of views per day in its limited release, following months of beta testing in India and the [United States](#).

July 26, 2022 Head of **Instagram** Adam Mosseri [said](#) "more and more of Instagram is going to become video over time" in response to backlash that the app had become too much like TikTok.

January 10, 2023 As part of a host of [controversial changes](#) new **Twitter** CEO Elon Musk has made to the platform, one [update](#) splits a user's timeline into "Following" and "[For you](#)" tabs, the latter of which is an algorithm-based timeline that recommends tweets on topics users have engaged with.

March 8, 2023 Spotify announced a [redesign](#) of its homepage, in which users will be able to vertically scroll through a TikTok-like video feed of music and podcast recommendations.

KEY BACKGROUND

Social media platforms copying each other's features is nothing new—and TikTok has done it, too. TikTok merged with Musical.ly in 2018 after the latter launched in 2014; both have drawn many [comparisons](#) to Vine, a now-defunct social media platform that Twitter acquired in 2012 and [unceremoniously shut down](#) four years later, for its short-form video sharing format and its brand of humor. More recently, TikTok has launched features like [Now](#), which prompts users at a random time every day to post a short video or photo from their front and back phone cameras to show followers what they're up to. It's a near-identical clone of BeReal, whose brand has revolved around that same feature without video support. Instagram is working on its [own version](#), too. But lifting features from competitor platforms long predates TikTok. In 2016, Instagram [controversially](#) added a Stories feature, a clone of the feature that helped make Snapchat a global success.

CHIEF CRITICS

Twitter and Spotify have been criticized by some in recent months for their new TikTok-like features. "It's wild watching tech companies tear their user interfaces and business models apart trying to compete with TikTok because they can't do the one thing that makes TikTok work which is the AI that powers it," tech writer Ryan Broderick [tweeted](#) after Spotify's announcement last week. Similarly, *Insider* tech editor Kyle Wilson [tweeted](#): "Just eww. Not everything should be TikTok. Spotify was fine as-is..." Twitter's new "for you" page has drawn similar criticism for Twitter users who feel it an unnecessary and confusing update. "The Twitter for you page is

Document title: TikTok Clones: How Spotify, Instagram, Twitter And More Are Copying Features Like The 'For You' Page

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really good because it only gives me the exact opposite of what i'd like to see," one user [tweeted](#). Kylie Jenner and Kim Kardashian also [spoke out](#) against Instagram's pivot to video in July 2022, sharing a post stating "Make Instagram Instagram Again" and urging the platform to stop trying to be like TikTok. Chrissy Teigen [tweeted](#) in response to Mosseri's statement that Instagram would continue to pivot to video content: "we don't wanna make videos Adam lol."

BIG NUMBER

1 billion. That's the number of active monthly users TikTok [surpassed](#) in September 2021. It's still behind competitors like Facebook, Instagram and YouTube, though it reached the 1 billion mark faster than any of them.

TANGENT

TikTok has more to fear than competition from other social media platforms. Some lawmakers on both sides of the aisle are pushing to [ban TikTok in the United States](#), citing national security and privacy concerns for the Chinese-owned platform.



Conor Murray

Follow

Conor Murray is a reporter covering trends in entertainment and culture. He is based in Jersey City and joined Forbes in 2022. Murray has covered the [messy rollout](#) for Kanye West's latest album, the [Stanley water bottle](#) craze and [right-wing backlash](#) against companies deemed "woke." He previously covered billionaires with the Forbes wealth team and covered pop culture and TikTok trends for NBC News. He graduated with a degree in political science from the University of Pennsylvania in 2022. Follow Murray for continued coverage of social media trends, celebrity controversies and the movie and music industries.

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EXHIBIT 25

DISCOURSE | TECH

How TikTok beat Instagram

Instagram is becoming as uncool as Facebook — and it has only itself to blame



Instagram is a victim of its own success. The reason it became popular is the reason it can't beat TikTok. Getty; Marianne Ayala/Insider

[Chris Stokel-Walker](#)

Feb 2, 2023, 10:01 AM UTC

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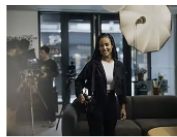
Instagram is entering its flop era. Despite launching the influencer economy, which has grown into a [\\$100 billion industry](#), the social-media platform is struggling to keep up with its new rival, TikTok.

Since its launch in 2010, Instagram's image-first design has helped attract the vanguard of digital creators, brand ambassadors, and marketers. Sponsorships and product integration, while accidental at first, quickly became an integral part of the platform. It was the place where brands could partner with seemingly regular people to

marketers. Sponsorships and product integration, while accidental at first, quickly became an integral part of the platform. It was the place where brands could partner with seemingly regular people to sell prospective customers on a more-ambitious lifestyle, with all the trappings that accompany it. Nearly every marketer surveyed by Shopify in 2021 — a staggering 97% — considered Instagram their most important channel for influencer marketing.

Instagram tailors itself to the crème de la crème of online influencers and creators. And the platform is designed with these top users in mind, tilting the algorithm to make it easy for users to keep up with their favorite personalities and for brands to build huge audiences. The platform even lends direct support and advice to its biggest names, some of which have hundreds of millions of followers. This has helped Instagram grow into an estimated \$43 billion ad-revenue machine, according to Insider Intelligence — but that status as a moneymaker is under threat.

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Enter: TikTok. In 2016, the competitor entered the market and sent Instagram spiraling. The app's addictive algorithm and snappy videos captured people's attention with its focus on spontaneous discovery, keeping users engaged for longer. Surveys by the Pew Research Center found the proportion of teenagers who said they're on TikTok "almost constantly" was 50% higher than those who said the same about Instagram.

To compete, Instagram launched its own short-form-video feature, Reels, in 2020. But it wasn't enough. According to data obtained by The Wall Street Journal, Instagram users spend 17.6 million hours a day watching Reels, while people spend an astounding 197.8 million hours a day on TikTok. Now, like Facebook before it, Instagram is becoming less and less relevant and struggling to do anything about it.

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becoming less and less relevant and struggling to do anything about it.

Instagram's trouble lies in the very thing that drove its initial success. Its algorithm is optimized for the users who made the platform popular: influencers. But by focusing on its power users, the platform loses out on engagement by regular people. TikTok's secret sauce is its ability to keep users on the platform, and without sacrificing its core, Instagram won't be able to compete.

TikTok's unrivaled success

In just a few years, TikTok has become an unparalleled success story, growing to more than 1 billion worldwide users in a fraction of the time it took other apps to do so. TikTok's rate of growth has been roughly double that of its older competitors, partly thanks to timing — the platform launched into a more-mature social-media environment — but also because the app offered users something new.

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"TikTok, when it came into the international Western market, was already pretty well established as a short-video platform," D. Bondy Valdovinos Kaye, a postdoctoral research fellow at the University of Leeds and coauthor of a book on TikTok, told me. "It had been competing with other fairly well-established short-video platforms in China for some time. Some of the strategies that it developed had already been road tested in China. There wasn't as much of a learning curve that Instagram — and also, to an extent, YouTube — has faced in trying to replicate and compete with some of the things that make TikTok so unique and so appealing to its audiences."

Specifically, TikTok excels at quickly engaging users and keeping them on the platform. The average user spends as much time on the app every day as the length of an average feature film, according to

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Instagram is giving people meaningless little badges for posting



TikTok is about to become even more powerful thanks to millennials

Specifically, TikTok excels at quickly engaging users and keeping them on the platform. The average user spends as much time on the app every day as the length of an average feature film, according to internal data I've seen.

Part of the key to the platform's success is how it recommends videos. In a recent article on TikTok's algorithm, the researcher Arvind Narayanan explained that on TikTok, every video had an equal chance of success, whether it was made by an account with 12 followers or an account with 120,000 followers. That means videos on the platform become popular purely based on their entertainment and engagement value, not on the size of the account that posted the video. Because of this, the likelihood of a random person going viral is greater on TikTok than on other platforms. But once a creator hits the viral-video jackpot, it's challenging to make their popularity stick. That's because on TikTok, every video a creator makes has to outperform every other TikTok video.

While the never-ending roulette is a boon for TikTok users, who are constantly enthused by the most interesting content, it's a pain for Instagram, whose users are accustomed to being able to build a following without the whims of an algorithmically dictated feed swapping them out for whoever's post is more interesting.

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Victim of its own success

Unlike TikTok, Instagram has long been seen as a secure place on which to build a digital following. A year ago, when the researcher Valdovinos Kaye was interviewing TikTok creators for his book, he found that they desperately sought to transport their audiences over to Instagram. "There was a little bit more stability there, and they could be a little bit surer that videos they posted would be seen by their followers, as opposed to the gamble dice roll that they were experiencing on TikTok," he explained.

could be a little bit surer that videos they posted would be seen by their followers, as opposed to the gamble dice roll that they were experiencing on TikTok," he explained.

That's because Instagram's algorithm works differently. On Instagram, whom you follow is weighted more heavily in terms of what content you see, meaning it's easier for larger accounts to grow and maintain their success since they can almost guarantee that anything they post will be served up to their entire audience.

Because of this, Instagram's cadre of top creators grouse about being penalized whenever the app tries to shift to be more like TikTok. Often, these shifts result in fewer people seeing the posts of big-time creators. Plus, people typically don't like change. Users who liked the clean, image-centric view of their feeds were annoyed by the intrusion of videos when Reels came along. And the people who have grown their audience on Instagram through photography have become discomfited by the forced pivot to video. Over the summer, the app's biggest names — including the Kardashians, who collectively have more than 1 billion followers on Instagram — rebelled against the platform's push to be more like TikTok. But the head of Instagram, Adam Mosseri, doubled down on the idea that video would be the future, saying the changes were for the good of all users. Despite that, two days later, the app quietly rolled back some changes.

"After the whole Kardashian intervention, it seems to have stopped Instagram becoming a real TikTok clone," Marcus Bösch, a TikTok researcher and fellow at the Hamburg University of Applied Sciences, told me.

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It's a catch-22 for Instagram. The thing that gave it early success — its focus on building large, loyal audiences and rewarding users for doing so — has trapped the platform in an outmoded model for serving up content. Making too significant a change could spell disaster for the app, alienating power users and undermining its core business. For now, it is stuck somewhere in between the original Instagram model and a TikTok look-alike, not quite succeeding in either arena.

"Instagram these days is such a weird place," Bösch told me. He believes Instagram faces an identity crisis between at least three generations of the app: its first iteration, which was largely photo- and feed-based, its second one, which introduced stories, and its third, most recent version, which is focused on Reels.

If it were any other company, that would be enough to count it out of the social-media race. But because of its importance to Meta, its parent company, it's one of the few companies that is able to — and needs to — continue throwing ideas at the wall. It's uniquely well resourced to try and find the thing that helps it catch up with, and overtake, TikTok. However, to do that, the app would need to find a solution that kept its restless user base happy.

Part of what made TikTok so successful was that it stood out. It was different in a world where every social-media platform looked the same. Rather than copying TikTok's success, Instagram might need to focus on what separates it from the pack. Without that, the app will likely be stuck in second place forevermore, unwilling to annoy its creators while unable to make the changes that could keep it competitive.

Chris Stokel-Walker is a tech reporter and author of the book TikTok Boom.

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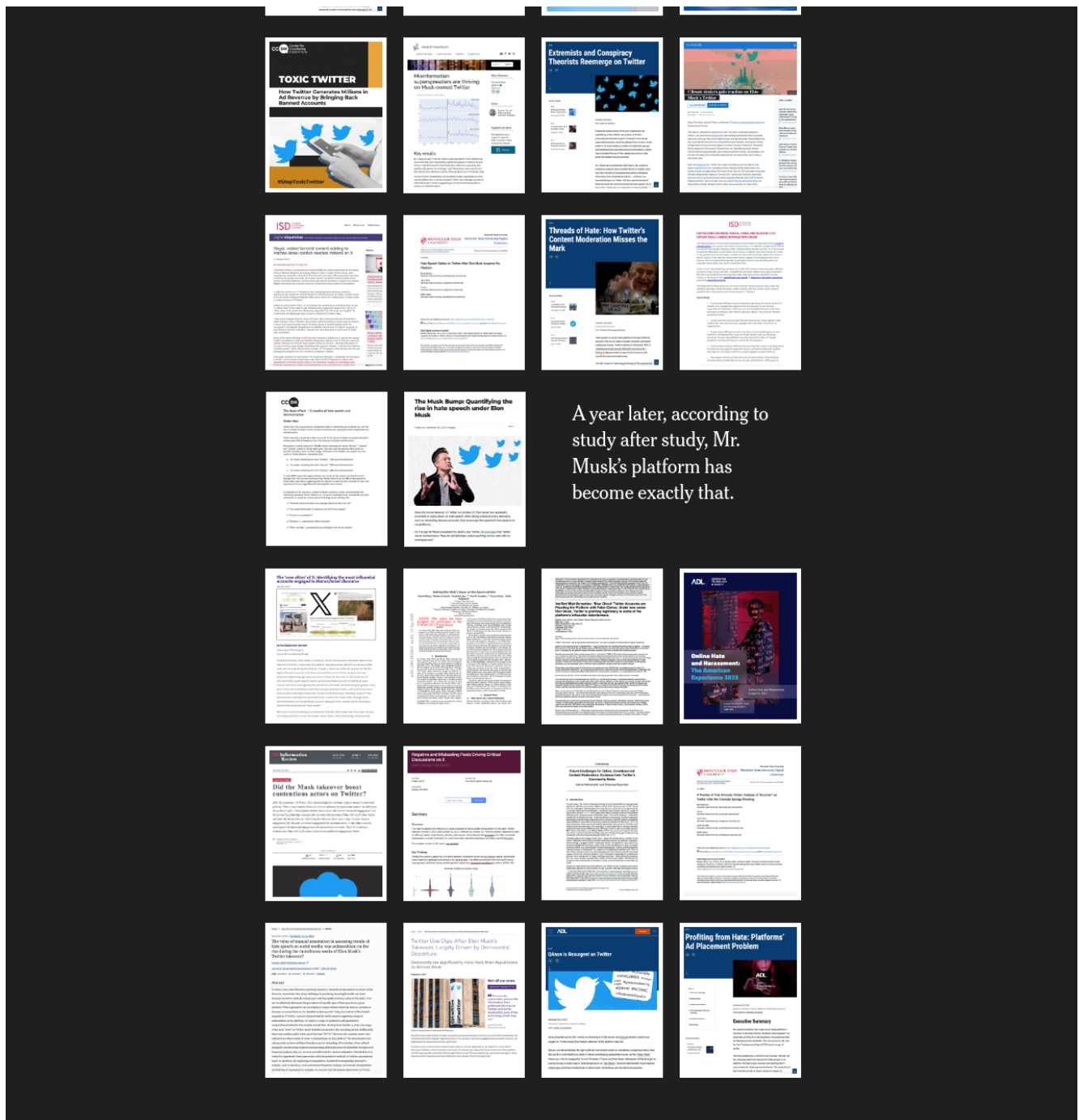
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EXHIBIT 26

When Elon Musk bought Twitter a year ago, he said he wanted to create what he called a “common digital town square.”

“That said,” he wrote, “Twitter obviously cannot become a free-for-all hellscape.”



The Consequences of Elon Musk's Ownership of X

By Steven Lee Myers, Stuart A. Thompson and Tiffany Hsu Oct. 27, 2023

Document title: The Consequences of Elon Musk's Ownership of X - The New York Times

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Addendum - 306

The Consequences of Elon Musk's Ownership of X

By Steven Lee Myers, Stuart A. Thompson and Tiffany Hsu Oct. 27, 2023

Now rebranded as X, the site has experienced a surge in racist, antisemitic and other hateful speech. Under Mr. Musk's watch, millions of people have been exposed to misinformation about climate change. Foreign governments and operatives — from Russia to China to Hamas — have spread divisive propaganda with little or no interference.

Mr. Musk and his team have repeatedly asserted that such concerns are overblown, sometimes [pushing back aggressively](#) against people who voice them. Yet dozens of studies from multiple organizations have shown otherwise, demonstrating on issue after issue a similar trend: an increase in harmful content on X during Mr. Musk's tenure.

The war between Israel and Hamas — the sort of major news event that once made Twitter an essential source of information and debate — has drowned all social media platforms in false and misleading information, but for Mr. Musk's platform in particular the war has been seen as a watershed. The conflict has captured in full how much the platform has descended into the kind of site that Mr. Musk had promised advertisers he wanted to avoid on the day he officially took over.

“With disinformation about the Israel-Hamas conflict flourishing so dramatically on X, it feels that it crossed a line for a lot of people where they can see — beyond just the branding change — that the old Twitter is truly gone,” Tim Chambers of Dewey Square Group, a public affairs company that tracks social media, said in an interview. “And the new X is a shadow of that former self.”

Reports on X's role during the Israel-Hamas war



Sources: [The Institute for Strategic Studies](#), [The New York Times](#), [The Guardian](#), [Center for an Informed Public at the University of Washington](#), [InfoEpi Lab](#).

The growing sense of chaos on the platform has already hurt Mr. Musk's investment. While it remains one of the most popular social media services, people visited the website nearly 5.9 billion times in September, down 14 percent from the same month last year, according to the data analysis firm Similarweb.

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Advertisers have also fled, leading to a sizable slump in sales. Mr. Musk noted this summer that ad revenue had fallen [50 percent](#). He blamed the Anti-Defamation League, one of several advocacy groups that have cataloged the rise of hateful speech on X, for "trying to kill this platform."

Most of the problems, however, stem from changes that Mr. Musk instituted – some intentionally, some not. Studies about the state of X have been conducted over the past year by researchers and analysts at universities, think tanks and advocacy organizations concerned with the spread of hate speech and other harmful content.

Research conducted in part by the [Institute for Strategic Dialogue](#) concluded that anti-Semitic tweets in English more than doubled after Mr. Musk's takeover. A report from [the European Commission](#) found that engagement with pro-Kremlin accounts grew 36 percent on the platform in the first half of this year after Mr. Musk lifted mitigation measures.

Mr. Musk [disbanded an advisory council](#) focused on trust and safety issues and [laid off](#) scores of employees who addressed them. For a monthly fee, he offered users a blue checkmark, a label that once conveyed that Twitter had verified the identity of the user behind an account. He then used algorithms to promote accounts of uncertain provenance in users' feeds. He removed labels that identified government and state media accounts for countries like Russia and China that censor independent media.

"The entire year's worth of changes to X were fully stress tested during the global news breaking last week," Mr. Chambers said, referring to the conflict in Israel. "And in the eyes of many, myself included, it failed utterly."

The company did not respond to a request for comment beyond a stock response it regularly uses to press inquiries: "Busy now, please check back later."

X trails only Facebook's 16.3 billion monthly visits and Instagram's 6.4 billion visits, according to [Similarweb](#). TikTok, which is rising in popularity among certain demographic groups, has roughly two billion visits each month. Despite voluble threats by disgruntled users to move to alternative platforms – Mastodon, BlueSky or Meta's new rival to Mr. Musk's, Threads – none of them have yet reached the critical mass to replicate the public exposure that X offers.

Keeping X at the center of public debate is exactly Mr. Musk's goal, which he describes at times with a messianic zeal. The day after

He [urged](#) his followers on X to “stay as close to the truth as possible, even for stuff you don’t like. This platform aspires to maximize signal/noise of the human collective.”

Accounts linked to a neo-Nazi group increased "over 1000%."

Among his first acts as the site's owner was to reverse the bans on **thousands of accounts**, including those of users who had promoted

over, promoting his ventures and himself, at times with [crude, offensive comments](#). During the Covid-19 pandemic, he sharply criticized lockdowns and other measures to slow the virus's spread and began to warn of a "woke" culture that silenced dissent.

Among his first acts as the site's owner was to reverse the bans on [thousands of accounts](#), including those of users who had promoted the [QAnon conspiracy theory](#) and spread disinformation about Covid and the 2020 presidential election.

The impact was instantaneous. Researchers at [Tufts](#), Rutgers and [Montclair State](#) universities documented spikes in the use of racial and ethnic slurs soon after Mr. Musk's acquisition. One research institute found that a campaign on 4chan, a notorious bulletin board, encouraged [the use of a particular slur](#) within hours of his arrival, in what seemed to be a coordinated test of the new owner's tolerance for offensive speech.

The prevalence of such offensive language has, according to numerous studies, continued unabated. "The Musk acquisition saw a sustained rise in hateful speech on the platform," an article in The Misinformation Review, a peer-reviewed journal published by the Harvard Kennedy School, [said](#) in August.

Even worse, the article argued, Mr. Musk's changes appear to be boosting the engagements of the most contentious users.

A month into Mr. Musk's ownership, the platform stopped enforcing its policy against Covid-19 misinformation. The liberal watchdog group [Media Matters](#) later identified 250 accounts with high engagement on Covid-related tweets. Nine of the top 10 accounts were known anti-vaccine proponents, several of whom promoted unproven and potentially harmful treatments and attacked top public health officials.

Mr. Musk's first summer as X's boss also coincided with a [rash of climate-related disasters](#) around the world, including deadly heat waves, rampaging wildfires, torrential rains and intense flooding. Last month, a [scorecard](#) evaluating social media companies on their defenses against climate-related falsehoods awarded X a single point out of a possible 21 (Meta, which owns Facebook and Instagram, was given eight points).

How the discussion over climate change changed under Mr. Musk



The platform was "lacking clear policies that address climate



The platform was “lacking clear policies that address climate misinformation, having no substantive public transparency mechanisms, and offering no evidence of effective policy enforcement,” said the accompanying report from Climate Action Against Disinformation, an international coalition of more than 50 environmental advocacy groups.

This year, hundreds of [researchers pushed back](#) against a decision by X to end free access to software that would allow them collect and analyze data about the site.

Perhaps the most impactful change under Mr. Musk has been the evolution of his subscription plans. The blue checkmark that once conveyed veracity and denoted verified accounts, often those of government agencies, companies and prominent users, was now available to any account for \$8 a month.

Reports on X bolstering foreign disinformation



In April, Mr. Musk [began removing](#) the blue badges from verified accounts. New ones impersonating public officials, government agencies and celebrities proliferated, causing confusion about which were real. The platform went on to reward those who paid for their blue labels by amplifying their posts over those without the badge.

Reset, a nonprofit research organization, discovered that dozens of anonymous accounts linked to the Kremlin received the checkmark, pushing Russian narratives on the war in Ukraine. This spring, the platform also removed the labels that identified official state media of countries like Russia, China and Iran. In the 90 days after the change, engagement with posts from the English-language accounts of those outlets soared 70 percent, NewsGuard, a company that tracks online misinformation, [reported](#) in September.

Mr. Musk has now run afoul of the European Union's [newly enacted Digital Services Act](#), a law that requires social media platforms to restrict misinformation and other violative content within the union's 27 nations.

September.

Mr. Musk has now run afoul of the European Union's [newly enacted Digital Services Act](#), a law that requires social media platforms to restrict misinformation and other violative content within the union's 27 nations.

A [report](#) commissioned by the union's executive body warned in August that Mr. Musk's dismantling of guardrails on the platform had resulted in a 36 percent increase in engagement with Kremlin-linked accounts from January through May, mostly pushing Russia's justifications for its illegal invasion of Ukraine last year.

After war erupted between Israel and Hamas, Thierry Breton, a European Commissioner who oversees the law's implementation, warned Mr. Musk in [a letter](#) that was posted on X, saying the company needed to address "violent and terrorist content that appears to circulate on your platform."

Reset, the research organization, reported recently that it had documented 166 posts that its researchers considered antisemitic. Many appeared to violate laws in several European countries, including calls for violence against Jews and denying the historical facts of the Holocaust. They accumulated at least 23 million views and 480,000 engagements.

Mr. Musk sounded incredulous, even as the company scrambled to delete accounts linked to Hamas and other terrorist groups. He responded two days later to an account identified by the Anti-Defamation League as one of the most prominent purveyors of disinformation. The account, which had been removed from Twitter but was restored last December after Mr. Musk took over, had claimed that the European Union was trying to police the truth.

"They still haven't provided any examples of disinformation," Mr. Musk replied.

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- **Starlink:** The satellite-internet service has connected the Marubo people, an isolated tribe in the Amazon, to the outside world — [and divided it from within](#).
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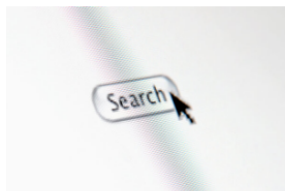
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Google Pixel



Clara McKri for The New York Times

Can Apple Rescue the Vision Pro?



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First Came 'Spam.' Now, With A.I., We've Got 'Slop'



20th Century Fox, via Everett Collection

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Trending in The Times

It's the Summer of 'Brats'

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Officers Pull Over Van With Obscured Plate and Find an Armory

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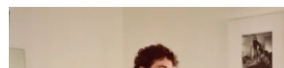


EXHIBIT 27



TECHNOLOGY

Why can't Twitter and TikTok be easily replaced? Something called 'network effects'

APRIL 12, 2023 · 5:00 AM ET

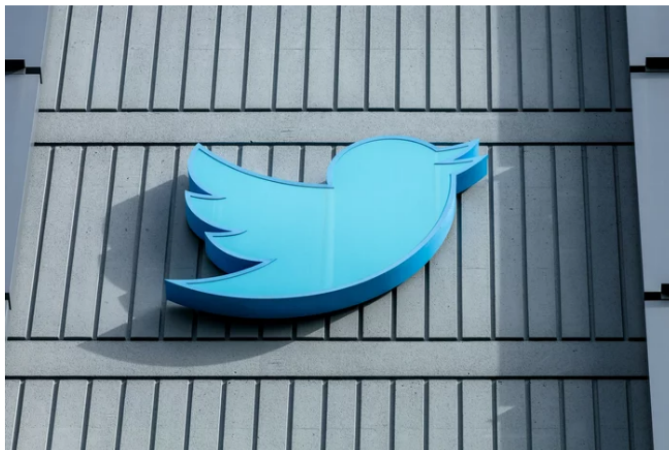


Bobby Allyn



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The Twitter logo is seen on a sign on the exterior of Twitter headquarters in San Francisco, California, on October 28, 2022.

CONSTANZA HEVIA/AFP via Getty Images

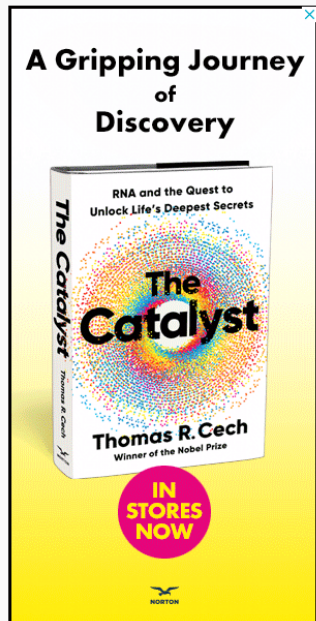
Drew Austin is a writer and urban planner in New York City. He's also something of a Twitter addict.

Since Elon Musk acquired the platform in October, Austin has noticed his Twitter feed devolve into an engine of self-promotion for the billionaire's constantly shifting whims.

"To be honest," Austin said, "the biggest change I noticed right away when he took over was just that everyone was talking about Elon all the time. And all the content that users were generating was Elon-orientated content, which I found really annoying."

No matter, Austin is sticking around, like so many other Twitter users.

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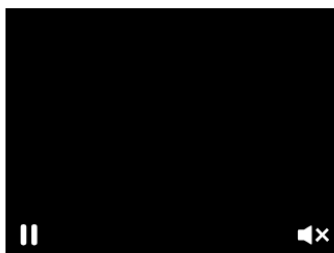
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found really annoying."

No matter, Austin is sticking around, like so many other Twitter users.

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Some outside researchers have observed a [small dip](#) in usage since Musk assumed the reins, but in general people are still logging on.

"I've basically been using Twitter for 15 years at this point, and there's no way to quickly replace the followers and following that you accumulate over that amount of time," Austin said. "Twitter is still the default. It's the Schelling point — where everyone is."

As most daily users are quick to point out, Twitter has become clunkier, glitchier and less relevant than it used to be. Nonetheless, nearly six months into Musk's control, no serious competitor has emerged, leaving some wondering what more it will take for everyone to leave for another social media site.

"More than any other platform, it gives us a sense that we're witnessing the world beyond us, but in a really visceral and personal way," said Shannon McGregor, a social media researcher at the University of North Carolina at Chapel Hill.

"It makes you feel like you're in on the joke of the day," she said. "And people don't want to miss out on it."

Twitter, like TikTok, has a big advantage: 'network effects'

Another place where everyone on the internet seems to be: TikTok.

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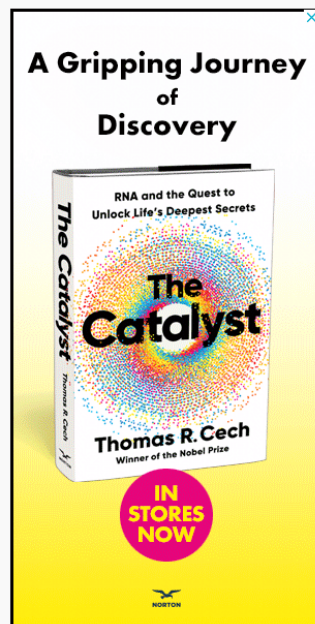
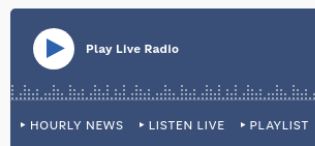
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But its future is uncertain. The Biden administration [has threatened to ban](#)



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But its future is uncertain. The Biden administration [has threatened to ban](#) TikTok if it does not divorce from its China-based corporate parent company, ByteDance.

That has left many wondering, why hasn't a U.S. tech company swept in and built its own version of the viral video app.



TECHNOLOGY
TikTok CEO says company is 'not an agent of China or any other country'

Some analysts note TikTok's "secret sauce algorithm," as the reason for its formidable dominance.

But the reason TikTok is so hard to replace is the same reason people can't seem to quit Twitter: The so-called "network effects" of both platforms.

It essentially means that the more people join a platform, the better it becomes for everyone. Each user's individual experience and contribution adds value to the whole network.

"The idea is that you have to reach critical mass and before you do that, it's not a super valuable service. But after you reach that, it's very hard to beat, because it's very hard for others to replicate," said Zsolt Katona, a business professor at the University of California, Berkeley, who studies social media.

Decades ago, economists used it to describe the usefulness of fax machines, then the workings of the internet. And more recently, academics have studied social media's ills through an understanding of how network effects operate.

"And the reason this is called 'network effects' is because usually this value is realized through some sort of networking with an actual link between two people," Katona said.

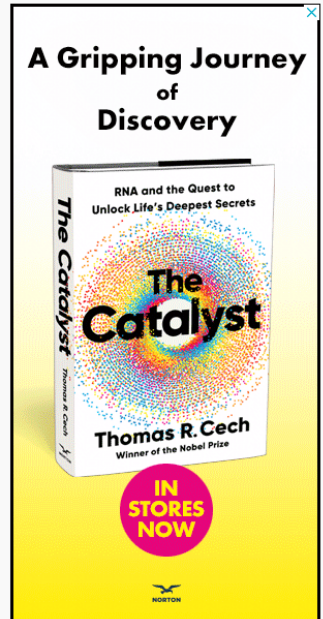
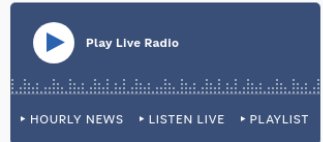
Twitter competitors falling short amid platform's problems

In the case of Twitter, that's a link between [237 million](#) monthly active users. On TikTok, more than a billion people worldwide.

On top of that, many on both platforms have found niche communities around food, music, politics, memes, and whatever internet topic du jour is driving the conversation. Leaving for a smaller alternative can often feel like part of the community's vibrancy is missing.

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Nonetheless, there have been a crop of challengers that have tried to seize on the disarray at Twitter, but, so far, there is no clear winner.

Mastodon, a Germany-based Twitter alternative, has gained traction in recent months, but because of its somewhat complicated "decentralized" structure, navigating the platform has proven cumbersome to many new users.

Another Twitter rival, Post, allows users to make "micropayments," to publishers so that individual news articles can be read without running into a paywall, though it has not gained much momentum yet.

"I think the reason people have stayed on Twitter is that despite all of the issues with it, it still seems to be working better than these other platforms for what people want it to do for them," McGregor said.

With Musk's crack down on national media organizations like the [New York Times](#) and [NPR](#), some journalists are pining for a text-based, real time social media platform not controlled by a singular billionaire, but no such site has raced to the front of the pack.

"One of the reasons people are staying on, myself included, is that this isn't the first time bad things have happened to people on Twitter," McGregor said, noting how Twitter can be a place where harassment, trolling and direct messages being flooded with vitriol is not uncommon.



TECHNOLOGY
Elon Musk says NPR's 'state-affiliated media' label might not have been accurate

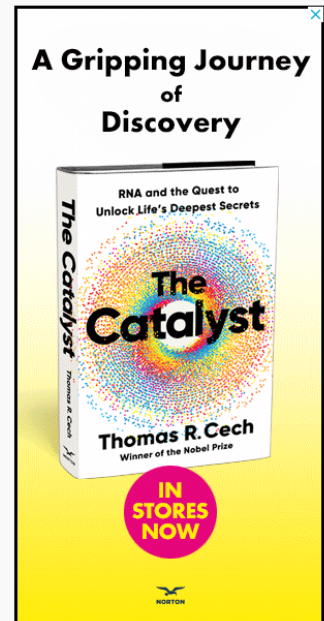
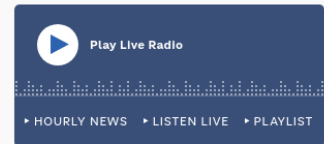
When the platform becomes 'uncool'

Even on huge platforms that have the benefit of network effects, copying a service does not mean it's going to take off.

Instagram introduced a TikTok-like feature called Reels in 2020, and it just has not come anywhere near threatening TikTok for a [variety of reasons](#), including that the recommendation systems and basic features are very different.

Another factor is that when a big social media app tries to mimic a competitor, it usually does so as a kind of side experiment, not the main service of the app, said Julian McAuley, who studies social media at the University of California, San Diego. Reels is being heavily promoted by the app, but not at the expense of Instagram's endless stream of hyper-glamorized photos.

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"An obvious reason why Facebook or YouTube or whoever else doesn't implement that way is because these big incumbents are very reluctant to cannibalize what's already working well for them," McAuley said.

Another way to think about the network effects of social media is that the popular ones are sort of too big to fail — at least it seems so right now.

But they can falter. Other social networks like MySpace and Vine had their moments, only to eventually fade into obscurity.

There are three possible reasons network effects can backfire, [according to research](#) from Catherine Tucker, a professor at the MIT Sloan School of Management.

For one, a site can become too noisy or congested, leading users to seek out more curated communities.

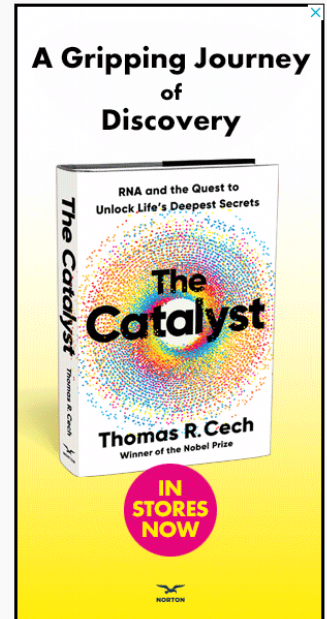
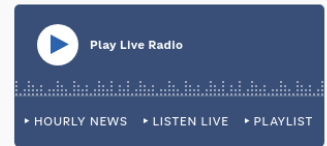
Some people might become concerned about how their data is being used on a large platform and might try to find a more privacy-preserving alternative, as well.

And finally, once a platform becomes too mainstream, it could be seen and "uncool" or too predictable, prompting users to flee for more insular platforms.

Social platforms rise and fall with internet fads. And experts say when a new app becomes all the craze and amasses a huge network, Twitter and TikTok might find themselves in the social media graveyard with Myspace and Friendster.

Though, as technology writer Casey Newton [wrote recently in his newsletter Platformer](#), journalists covering the tech industry do not appear to be ready to bolt from Twitter, despite all the upheaval.

"For the moment, though, Musk has learned the same lesson Jack Dorsey did: Twitter is extremely hard to kill," Newton wrote, referring to the former chief executive of Twitter. "And for the journalists who have come to rely on it, there is almost no indignity they won't suffer to get their fix."



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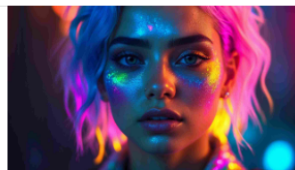
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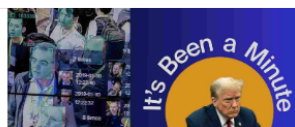
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EXHIBIT 28



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Project Texas milestones

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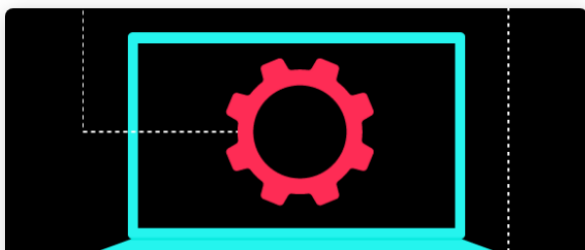
August, 2022 

Updates



Strengthening our commitment to transparency

We've continually taken concrete actions to earn people's trust. We aim to surpass the high expectations our community and stakeholders rightly have for us so we can continue to serve everyone who creates, connects, and is entertained on TikTok.



An update on our platform API for researchers

We're dedicated to hearing and incorporating feedback from testers and creating an API that will meet the needs of the scientific community while respecting the privacy of our community.

Strengthening how we protect and secure our platform in the US

As we continue to act on our commitment to the security of our platform, we're creating a Trust & Safety team within USDS to build further trust and confidence in the protection of US user data and compliance.



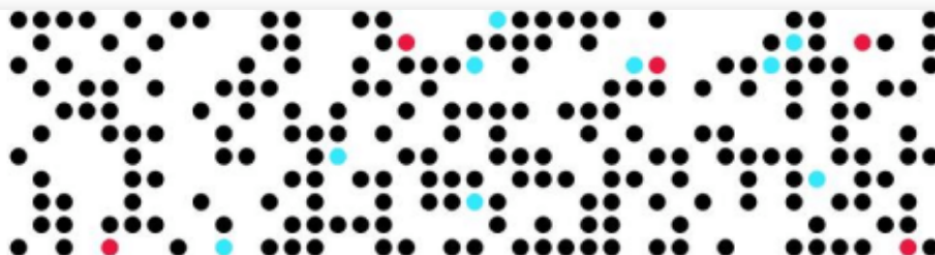
Our approach to security

We already have controls in place to protect user data, and we continue adding new technologies and programs focused on global data residency, data movement, and data storage access protections worldwide. We already...



Delivering on our US data governance

For more than a year, we've been working with Oracle on several measures as part of our commercial relationship to better safeguard our app, systems, and the security of US user data. Today, 100% of US user traffic is being routed t...



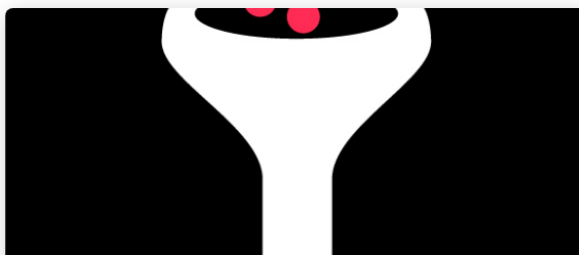
Our approach to keeping U.S. data secure

USDS brings heightened focus and governance to our ongoing efforts to strengthen our data protection policies and protocols, further protect our users, and build confidence in our systems and controls in the U.S.



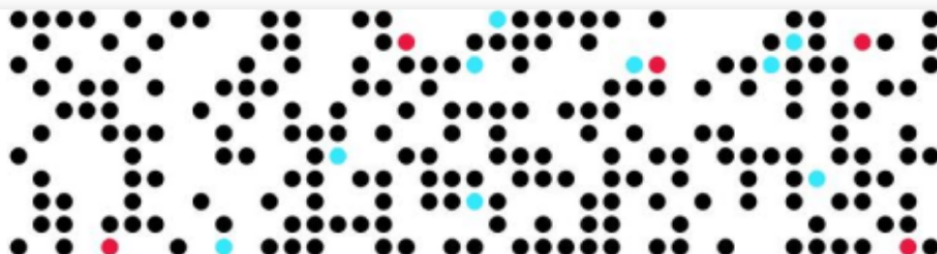
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EXHIBIT 29

TikTok Offered An Extraordinary Deal. The U.S. Government Took a Pass.

TikTok Offered An Extraordinary Deal. The U.S. Government Took a Pass.

Published: Wed May 29 17:30:32 EDT 2024

By Drew Harwell

(Washington Post) -- To save itself, TikTok in 2022 offered the U.S. government an extraordinary deal.

The video app, owned by a Chinese company, said it would let federal officials pick its U.S. operation's board of directors, would give the government veto power over each new hire and would pay an American company that contracts with the Defense Department to monitor its source code, according to a copy of the company's proposal. It even offered to give federal officials a kill switch that would shut the app down in the United States if they felt it remained a threat.

The Biden administration, however, went its own way. Officials declined the proposal, forfeiting potential influence over one of the world's most popular apps in favor of a blunter option: a forced-sale law signed last month by President Biden that could lead to TikTok's nationwide ban.

The government has never publicly explained why it rejected TikTok's proposal, opting instead for a potentially protracted constitutional battle that many expect to end up before the Supreme Court. Since federal officials announced an investigation into TikTok in 2019, the app's user base has doubled to more than 170 million U.S. accounts - including Biden's reelection campaign.

But the extent to which the United States evaluated or disregarded TikTok's proposal, known as Project Texas, is likely to be a core point of dispute in court, where TikTok and its owner, ByteDance, are challenging the sale-or-ban law as an "unconstitutional assertion of power."

The episode raises questions over whether the government, when presented with a way to address its concerns, chose instead to back an effort that would see the company sold to an American buyer, even though some of the issues officials have warned about - the opaque influence of its recommendation algorithm, the privacy of user data - probably would still be unresolved under new ownership.

TikTok Offered An Extraordinary Deal. The U.S. Government Took a Pass.

"The government essentially threw up its hands at the possibility of any kind of regulation or cybersecurity measure," said Anupam Chander, a Georgetown University law professor who researches international tech policy.

"TikTok proposed this incredible array of protections, but none of it mattered," he added. "In the government's thinking, it wasn't: 'Can this app be protected?' It was: 'There's a Chinese owner.' That became the death knell. The government had a complete absence of faith in [its] ability to regulate technology platforms, because there might be some vulnerability that might exist somewhere down the line."

A senior Biden administration official said in a statement that the administration "determined more than a year ago that the solution proposed by the parties at the time would be insufficient to address the serious national security risks presented. While we have consistently engaged with the company about our concerns and potential solutions, it became clear that divestment from its foreign ownership was and remains necessary." The official declined to specify what made the plan insufficient.

In their legal challenge, TikTok and ByteDance argue the sale-or-ban law violates the First Amendment by suppressing a platform Americans use for information and self-expression. Courts traditionally evaluate such speech disputes on whether the government is pursuing a compelling state interest through the least-restrictive means possible.

The government, some legal experts said, probably will be asked to explain why Project Texas wasn't a reasonable solution for its national security goals. The Biden administration hasn't publicly detailed why the proposal was inadequate, saying only that the possibility of future Chinese data-gathering or propaganda merited an aggressive response.

In a statement, a Justice Department spokesperson said the law "addresses critical national security concerns in a manner that is consistent with the First Amendment and other constitutional limitations. We look forward to defending the legislation in court."

Jodi Seth, a spokeswoman for TikTok, said in a statement that the company has voluntarily subjected itself to rigorous examination, including opening its source code to outside inspectors for ongoing technical review. "No other entertainment or social media platform provides a similar level of third-party oversight, even though they employ large numbers of foreign nationals and have development centers around the world," Seth said.

TikTok Offered An Extraordinary Deal. The U.S. Government Took a Pass.

TikTok and ByteDance leaders prepared the plan as part of their negotiations with the Committee on Foreign Investment in the United States, or CFIUS, a group composed of officials from nine federal agencies that reviews business deals for national security concerns.

TikTok outlined its proposals in a draft "national security agreement" totaling more than 90 pages, a copy of which The Washington Post reviewed last year. That proposal would have bound the company contractually to government controls in exchange for the ability to stay online in the United States.

The deal included extensive provisions never before offered to the government by a private company - including TikTok's U.S.-based peers in the tech industry, such as Google and Facebook.

The plan would have largely blocked ByteDance's global executives, including in its Beijing headquarters, from decision-making authority over the U.S. operation and would have siloed most of the U.S. app's functionality in a discrete subsidiary subject to Washington oversight.

An American board of directors shaped by federal authorities would have been empowered to scrutinize the company's content-moderation decisions and data flows, the draft agreement said. It also would have offered a "shutdown option" that the government could use to suspend TikTok in the United States if the company broke its part of the deal.

The plan was drafted over months of meetings in consultation with CFIUS officials, who told TikTok that they were close to a final agreement, according to two people familiar with the negotiations who spoke on the condition of anonymity to discuss internal talks.

But shortly after TikTok submitted the proposal in August 2022, "CFIUS without explanation stopped engaging," TikTok and ByteDance wrote in their legal petition to the appeals court. The companies said they "repeatedly asked why discussions had ended and how they might be restarted, but they did not receive a substantive response." (The administration official contends that the administration told TikTok at the time that divestment was the only viable option.)

TikTok officials requested meetings with Deputy Attorney General Lisa Monaco and other agency leaders, who declined, arguing that the company was already meeting with the appropriate officials, a U.S. official told The Post. Around that time, officials from the White House and Justice Department, including Monaco, were holding meetings with the forced-sale bill's co-sponsors and other lawmakers critical of TikTok to offer advice on how they could draw up a bill that would survive a legal challenge,

TikTok Offered An Extraordinary Deal. The U.S. Government Took a Pass.

congressional members and staffers told The Post.

"There was clearly a bait and switch that happened here," said a person who observed but was not involved in either side of the negotiations, who spoke on the condition of anonymity because they were not authorized to discuss what they had witnessed. "There was a 100-page national security agreement draft that was excruciatingly detailed. They went down the road and started building a lot of stuff to comply with that. Then at some point the government just changed its mind."

Despite the lack of agreement from the government, TikTok adopted a number of the proposal's components, saying in its legal filing that it has spent more than \$2 billion to "resolve the very concerns publicly expressed by [the law's] congressional supporters."

The company moved the TikTok teams responsible for overseeing U.S. user information, security and content moderation into an American subsidiary, U.S. Data Security, that now employs more than 2,000 workers. Nearly all are Americans, a company spokesperson said, except for a few dozen British and Australian workers hired for around-the-clock support.

The company also shifted American users' data to servers run by Oracle, the Texas-based tech giant that the U.S. military entrusts with some of its most highly classified cloud-computing work.

Some of its efforts, however, have been stymied by the government's reluctance to engage, U.S. Data Security officials said at a briefing this month for the Center on Technology Policy, a policy think tank at the University of North Carolina at Chapel Hill that has received funding from foundations and tech companies including Google, Meta and TikTok.

According to attendees at the briefing, TikTok said it had submitted to the government a list of nominees for directors, but that federal officials had yet to approve them. That has left U.S. Data Security without an independent board.

The administration official declined to offer a response on this point. Without an agreement in place, it's unclear how any such board nomination would apply.

TikTok also pledged to allow the U.S. government to set the rules for hiring, including requiring all new hires to be U.S. citizens or green-card holders, to consent to background checks and to accept that their employment offers could be revoked by government officials as they saw fit.

TikTok Offered An Extraordinary Deal. The U.S. Government Took a Pass.

With no agreement in place, however, TikTok has been conducting its own background checks, the officials said in the briefing. A spokesperson said TikTok's human resources work for U.S. employees still runs through ByteDance but that the company expects to fully transition the work into U.S. Data Security within a matter of weeks.

The stalled arrangement also has undermined Oracle's ability to conduct third-party review. Though Oracle employees are actively reviewing TikTok's source code for flaws and vulnerabilities, the U.S. Data Security officials said the government's failure to participate has meant the code reviewers have no clear process for how they would report any red flags they might find.

Matt Perault, a former Facebook policy director who leads the UNC center, said those missed connections have weakened the government's ability to guard against the risks it has long characterized as national threats.

"For the system to have the level of verification the government seems to want, the government has to play ball," Perault said. "If you're serious about trying to address concerns, you would suggest a set of remedies. And essentially what the government has said is there's no remedy other than a sale."

Some critics of TikTok's plan label it a "catch me if you can" proposal that would require the government to sniff out risks. In March, the co-sponsors of the House legislation, Reps. Raja Krishnamoorthi (D-Ill.) and Mike Gallagher (R-Wis.), who resigned last month, said in a resolution that Project Texas would have allowed the app's algorithm and source code to "remain in China under ByteDance's control" and potentially expose U.S. users to "malicious code, backdoor vulnerabilities, surreptitious surveillance, and other problematic activities."

Others have alluded to the pitfalls of taking over responsibility for a digitally complicated cultural juggernaut. At a congressional hearing in March, FBI Director Christopher A. Wray acknowledged that U.S. officials might find it "extraordinarily difficult to detect" if the Chinese government had forced ByteDance to promote videos that would agitate Americans or boost Chinese Communist Party ideals.

The law gave ByteDance 270 days from the day of Biden's April 24 signing to sell TikTok, with an option for a 90-day extension if Biden determines that "significant progress" has been made toward a sale. In a filing, ByteDance argued the possibility of an extension was not feasible, given that it requires the company to take an action that it is fighting in court.

TikTok Offered An Extraordinary Deal. The U.S. Government Took a Pass.

If ByteDance does not divest itself of TikTok's U.S. assets by the deadline, the government will make it unlawful to "distribute, maintain, or update" the app within the United States.

Tech experts expect the order would largely be carried out by private companies: Apple and Google's app stores would be required to stop pushing out app updates or downloads, and Oracle would be forced to stop hosting the app's data and infrastructure on its U.S.-based servers.

Apple and Google declined to comment, but two people familiar with those companies' thinking said the companies do not expect to weigh in on the matter.

One of the people said federal officials had not shared any evidence with the companies substantiating their national security concerns about TikTok. "Everyone internally thinks it's the biggest bunch of bulls---," this person said of the concerns, "but they've just decided to stay out of harm's way."

TikTok, ByteDance and a group of TikTok creators who sued over the law joined with the Justice Department in asking the U.S. Court of Appeals for the D.C. Circuit to fast-track the case and offer a ruling by Dec. 6. That would allow time for either side to seek a Supreme Court review of the ruling before the current forced-sale deadline of Jan. 19.

Because the law requires all challenges to run through the appeals court as its "exclusive jurisdiction," the case will operate differently from traditional legal battles, court filings show. Instead of a discovery or fact-finding phase where evidence and witnesses would be presented, usually handled by a district court, the parties will file legal briefs for the court's judges to review.

On Tuesday, a panel of three judges ordered that the companies and the creators must submit their briefs by June 20, and the Justice Department by July 26, a filing shows. Oral arguments are scheduled to begin in September.

The Justice Department told the court in a separate filing earlier this month that it is "evaluating" whether it needs to file an evidentiary submission that would contain "classified material to support the [law's] national security justifications."

While the government has offered some classified briefings for lawmakers, it hasn't publicly shared any evidence showing the Chinese government has exercised influence over the app. In March,

TikTok Offered An Extraordinary Deal. The U.S. Government Took a Pass.

Sens. Richard Blumenthal (D-Conn.) and Marsha Blackburn (R-Tenn.) asked the Office of the Director of National Intelligence to declassify information about TikTok so as "to better educate the public on the need for urgent action." A spokeswoman in Blumenthal's office said they haven't received a response. An ODNI spokesperson said they were continuing "engagement with Congress on the issue."

Chander, the Georgetown law professor, said the lack of government substantiation after five years of investigating has made it hard to understand the government's current urgency over an app millions of Americans use for news and entertainment.

"It's hard to square this as an immediate threat if the Biden campaign keeps posting TikToks," he said.

[Click Here](#) to see the story as it appeared on the Washington Post website.

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-0- May/29/2024 21:30 GMT

EXHIBIT 30



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PRESS RELEASES

BERGMAN SUPPORTS BIPARTISAN LEGISLATION TO STOP FOREIGN ADVERSARIES FROM OWNING SOCIAL MEDIA COMPANIES

Washington, March 13, 2024



Today, after the overwhelming bipartisan vote (352-61-1) to pass the *Protecting Americans from Foreign Adversary Controlled Applications Act*, Rep. Jack Bergman released the following statement:

"It's pretty simple - social media companies owned by the Communist Chinese Party should not be influencing our children and they should not be able to indoctrinate American users.

"I voted in favor of H.R. 7521, the Protecting Americans from Foreign Adversary Controlled Applications Act. This bill does not ban TikTok - it simply requires any company controlled by a foreign adversary to sell the app within 180 days or be removed from U.S. app stores.

"There is a reason the CCP reacted so negatively to the House working to ensure a company controlled by the CCP is not running TikTok.

"The CCP is actively engaging in these activities, and through TikTok they have the clear ability to push divisive propaganda by manipulating their algorithm while gathering data on millions of Americans.

"We must be aware of the threat posed to our National Security by countries like China, Iran, North Korea, and Russia. The future of the fight is cyber warfare."

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"It's pretty simple - social media companies owned by the Communist Chinese Party should not be influencing our children and they should not be able to indoctrinate American users.

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EXHIBIT 31

CONGRESS

It could be months before the Senate takes up a TikTok bill, despite warnings about China

Members of both parties believe TikTok's ties to China are a potential danger to America and its people. But the Senate wants to write its own bill to address the app.



TikTok offices in Culver City, Calif., on March 12. Mario Tama / Getty Images



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Addendum - 338

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March 20, 2024, 7:26 PM UTC

By Scott Wong, Frank Thorp V and Ali Vitali

WASHINGTON – A House-passed bill that could [ban TikTok in the U.S.](#) won't be taken up by the Senate any time soon. In fact, it could take months before any TikTok-related legislation hits the floor in the Democratic-controlled chamber.

Senators emerged Wednesday from a classified briefing about TikTok saying they were highly concerned that the popular social media app – owned by China-based parent company ByteDance – poses a serious national security threat to the U.S. and its people. But key senators appear to be in no hurry to take up the House-passed TikTok bill and are working on their own legislation to regulate the app.

Senate Commerce Committee Chair Maria Cantwell, D-Wash., who organized Wednesday's briefing along with Intelligence Committee Chair Mark Warner, D-Va., said after the closed-door meeting she might want to team with Warner again to hold a joint public hearing about TikTok.

But such a hearing would happen after Congress returns from its two-week Easter recess, which is scheduled to begin next week. Pressed about why she didn't share the same urgency as House members, who rushed to pass the bill last week on a lopsided, bipartisan vote of 352-65, Cantwell replied: "I think it's important to get it right."



Congress is full of people who "promote things just to promote them, but they don't have the cause and effect that we need," Cantwell told reporters. "We need intent here, and the intent is we want to stop the nefarious bad actors from doing deleterious things in the United States that might harm U.S. citizens, U.S. government

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them, but they don't have the cause and effect that we need," Cantwell told reporters. "We need intent here, and the intent is we want to stop the nefarious bad actors from doing deleterious things in the United States that might harm U.S. citizens, U.S. government or U.S. military."

"So we're going to do that. We're going to get it done. And we're not going to take forever," she said, adding that she will meet with the House bill's author, Rep. Mike Gallagher, R-Wis., on Thursday.

Warner said he is determined to move a TikTok bill this year: "If we don't, I think we've missed a huge opportunity."

Intelligence officials and House and Senate members in both parties have warned that the Chinese Communist Party has used TikTok to access data from its 170 million U.S. users and control what types of videos they see. They've also said TikTok could be used to interfere in the coming presidential election. TikTok has denied that the Chinese government controls it and pushed back against suggestions that China accesses U.S. user data.

Senate Majority Leader Chuck Schumer, D-N.Y., appears to be giving Cantwell and other committee chairs space to draft their own legislation rather than forcing a quick floor vote on the House bill. Other Democrats also are backing Cantwell's go-slow approach, including those on her committee.

"We've got a ways to go," said Sen. Peter Welch, D-Vt., a Commerce Committee member who said the Senate will produce its own bill.

A second Commerce Committee member, Sen. Gary Peters, D-Mich., said: "There are other bills; there are other approaches. And I'm open to all of that," including the House bill.

Sen. Ben Ray Lujan, D-N.M., another Commerce Committee member, said: "I know how strong of a chair Maria is, and when the chair wants to lean in on something, the chair has support from the caucus to lean in. I support Chair Cantwell. She is the chair of the committee of jurisdiction. And she is smart and capable, and she has an incredible team."

Supporters of the House bill argue it's not an outright ban. The Protecting Americans From Foreign Adversary Controlled Applications Act would force ByteDance to divest or sell TikTok 180 days after U.S. officials deem it a national security threat. If ByteDance failed to do so, TikTok would be banned from all online app stores and web-hosting services in the U.S.

President Joe Biden has vowed to sign the bill into law should it reach his desk, and John Kirby, the spokesman for the White House National Security Council, urged the Senate to "move swiftly" to pass the House bill.

House Energy and Commerce Committee Chair Cathy McMorris Rodgers, R-Wash., said, "It needs to happen soon — as soon as

the House bill.

House Energy and Commerce Committee Chair Cathy McMorris Rodgers, R-Wash., said, "It needs to happen soon – as soon as possible."

The House overwhelmingly passed the legislation after an all-member classified briefing about TikTok. The Senate briefing Wednesday in the basement of the Capitol was led by officials from the Justice Department, the FBI and the national intelligence director's office.

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"My reaction to this briefing is that TikTok is a gun aimed at Americans' heads," said Sen. Richard Blumenthal, D-Conn., a former state attorney general who urged that the information from the briefing be declassified for the American public. "The Chinese communists are weaponizing information, but they are constantly, surreptitiously collecting from 170 million Americans and potentially aiming that information, using it through algorithms at the core of American democracy."

The Senate's approach to TikTok, he said, will be "very deliberate but not delayed" with the election on the horizon.

Republicans left the briefing expressing urgency. Sen. Ted Cruz of Texas, the top Republican on the Commerce panel, said he is urging Cantwell and their committee to mark up the House TikTok bill "expeditiously."

"The precise language of this bill is still very much open to discussion. I think members on both sides may have amendments, may have suggestions for how to alter the language," Cruz said. "But I'll tell you, we have a full hearing room in the classified briefing, and there was deep concern about the threat from TikTok from both sides of the aisle."

Sen. Marco Rubio of Florida, the top Republican on the Intelligence Committee, also spelled out what was at stake by not acting on TikTok.

"ByteDance is a Chinese company. It doesn't matter who its shareholders are, doesn't matter who the CEO is. It doesn't matter how many of the board members are not Chinese. Every technology company in China under Chinese law has to do whatever the Chinese government tells them to do," Rubio said after the briefing.

“ByteDance is a Chinese company. It doesn't matter who its shareholders are, doesn't matter who the CEO is. It doesn't matter how many of the board members are not Chinese. Every technology company in China under Chinese law has to do whatever the Chinese government tells them to do,” Rubio said after the briefing.

“That algorithm, in a moment of conflict or on an ongoing basis, can be altered in order to drive certain messages to divide Americans, to destabilize our politics, to influence policymakers to denigrate policymakers, to tear our country apart. And China clearly wants to achieve that,” he said.

Fighting for its survival in the U.S., TikTok has mounted an aggressive lobbying campaign, now focused purely on the Senate. Users have been receiving push notifications and pop-ups on their mobile devices urging them to call their senators and tell them to vote no on a ban.

“The House of Representatives just voted to ban TikTok, which means millions of unique communities just like yours could be shut down. If the Senate votes to ban TikTok, this means you could lose your right to self-expression and the communities you love,” one message said.

“Tell your Senator how important TikTok is for inspiration and connection you have with your community. Ask them to vote no on the TikTok ban. #KeepTikTok,” another said.

Some members have said the fervency of the campaign proves that their concerns about the app's power are valid, while at least one TikTok user took things too far. Sen. Thom Tillis, R-N.C., on Wednesday [posted on X](#) the audio of a voice message his office had received from a TikTok supporter saying, “I'll shoot you and find you and cut you into pieces.”

“TikTok's misinformation campaign is pushing people to call their members of Congress, and callers like this who communicate threats against elected officials could be committing a federal crime,” Tillis wrote. “The Communist-Chinese aligned company is proving just how dangerous their current ownership is. Great work, TikTok.”

The office of Sen. Marsha Blackburn, R-Tenn., received roughly 1,400 phone calls in the past week from people who don't want Congress to pass TikTok legislation, a Blackburn spokesperson said. The calls included people threatening to kill themselves, Biden and other officials, they said. 🌈



Scott Wong



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Frank Thorp V



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Ali Vitali



Ali Vitali is a Capitol Hill correspondent for NBC News, based in Washington.

Kate Santaliz, Syedah Asghar, Lori Rampani and Julie Tsirkin contributed.

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EXHIBIT 33

Congressman Flood Votes to Stop TikTok Propaganda



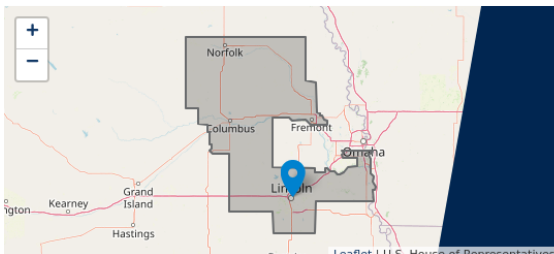
March 13, 2024 [Press Release](#)

WASHINGTON, D.C. – Today, U.S. Congressman Mike Flood issued a statement following a vote on H.R. 7521 also known as the Protecting Americans from Foreign Adversary Controlled Applications Act.

"TikTok is the Chinese Communist Party's favorite social media app for Americans," said Rep. Flood. "It has been used as a tool of propaganda in our country and this narrowly tailored bill will help put an end to that. The legislation requires TikTok's parent company to divest from their American division or to face an outright ban in the United States. Today's vote was an overwhelming bipartisan show of force sending a message: America will not allow our foreign adversaries to use our country's free marketplace to undermine our love for liberty."

Nebraska was the first state in the nation to institute a state ban on TikTok on government devices in August 2020. Congressman Flood has been a vocal supporter of banning TikTok, authoring an editorial at [FoxNews.com](#) late last year. The editorial can be found [here](#).

Issues: [What Rep. Flood is doing in Congress](#)



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Congressman Flood Votes to Stop TikTok Propaganda



March 13, 2024 **Press Release**

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Press Release - Congressman Russ Fulcher's Statement on the Passage of H.R. 7521

March 14, 2024



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Congressman Russ Fulcher's Statement on the Passage of H.R. 7521

WASHINGTON D.C. - U.S. Congressman Russ Fulcher released the following statement on the passage of H.R. 7521, the Protecting Americans from Foreign Adversary Controlled Applications

"I voted to pass H.R. 7521 today to stop the Chinese Communist Party from manipulating, surveilling, and targeting American citizens.

Apps such as TikTok give the Chinese Communist Party the ability to engage in psychological warfare against the American people. Due to the algorithms at play, the CCP can feed users whatever information they please, truthful or not.

Just last week, the Chinese Communist Party used TikTok as a propaganda tool to spread misinformation falsely claiming Congress is voting to ban the app, telling users to input their zip codes to 'take action' and call their representatives.

Not only does that intimidate users into handing over even more of their data, but it manipulates reality for many Americans.

H.R. 7521 does not ban TikTok. It averts national security threats by blocking foreign adversaries from accessing American data.

FOR IMMEDIATE RELEASE: Thursday, March 14

CONTACT: Marisa Melton, (208) 743 - 1388, marisa.melton@mail.house.gov

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The ball is in their court. It is essential apps such as TikTok sever ties with the Chinese Communist Party to protect American data."

###

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Analysis by [Laura He](#), CNN
5 minute read · Updated 9:24 AM EDT, Wed April 24, 2024



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Hona Kona (CNN) — TikTok is facing an existential crisis in America. If its Chinese owner

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Editor's Note: Sign up for CNN's *Meanwhile in China* newsletter which explores what you need to know about the country's rise and how it impacts the world.

Hong Kong (CNN) — TikTok is facing an existential crisis in America. If its Chinese owner fails to sell the app in the next year or so, it could be banned in its biggest market.

Not only would that deal another huge blow to China's tech ambitions, it would further deepen the divide between two digital worlds centered around the rival economic superpowers.

Congress on Tuesday approved legislation that could compel ByteDance to sell TikTok or face a national ban. President Joe Biden is expected to sign the bill into law on Wednesday; TikTok has already said it will challenge the law in court.

Beijing has previously said it strongly opposes a forced sale of TikTok, and it has revised its export control rules to give it the power to block a sale on national security grounds. That leaves few options for ByteDance to secure the future of TikTok in the US, its biggest market with 170 million users.

"A forced sale of TikTok in the US amounts to a downgrade of the app, as the Chinese government won't approve the sale of its algorithms," said Alex Capri, a research fellow at the Hinrich Foundation and a lecturer at the National University of Singapore's Business School.

"If TikTok is forced to stop operating in the US, ByteDance's prospects in other mostly liberal democracies will come under further scrutiny," he said.

If the Chinese government won't let ByteDance relinquish TikTok's algorithm, it could block the sale outright. Alternatively, it may allow TikTok to be sold without the lucrative algorithm that forms the basis for its popularity.

A US ban, or a less powerful version of TikTok, would be a windfall for YouTube, Google, Instagram and other TikTok competitors, as many of its customers may jump ship, Capri said. And it would be a major hit to the global ambitions of ByteDance.



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"It [a TikTok ban] would be the end of ByteDance's global expansion, as it would be a sign that the Chinese state values the algorithm's security more than ByteDance's financial prosperity and global expansion," said Richard Windsor, tech industry analyst and founder of Radio Free Mobile, a research company based in the US.

"The implications are that the ideological struggle being fought in the technology industry will become more intense."

MEANWHILE IN CHINA

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A ban on TikTok is also likely to accelerate a shift that is splitting the world's tech landscape into two blocs, one centered on the US, the other embracing tech from China, according to Capri.

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"The move against TikTok in the US is another step towards not only a bifurcated platform economy between Chinese apps and Western apps, but also, more broadly, the bifurcation of entire the global tech landscape," he said.

"This includes everything from who owns and operates data centers, to space-based Internet satellites, to undersea cables and, of course semiconductors."

In that sense, the TikTok ban has its silver lining for Beijing.

"A ban in the US will spark renewed efforts to spread China's digital footprint in Southeast Asia, and other mostly developing markets world wide," Capri said.

Growing challenges for Chinese apps

The TikTok legislation was included in a wide-ranging foreign aid package meant to support Israel, Ukraine and Taiwan.

Once President Biden signs it into law, ByteDance will have up to a year to complete the sale or face an effective ban for the platform.

US officials and legislators have long expressed concerns about TikTok's potential national security risks, including that it could share data with the Chinese government, or manipulate content displayed on the platform. But TikTok has rejected the claims.

"The new divestiture bill is the result of a concerted lobbying effort by Silicon Valley venture capitalists associated with US technology companies that stand to benefit from the China threat narrative proponents of the bill have been pushing, " said Paul Triolo, partner for China and Technology Policy Lead at Albright Stonebridge Group.



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In general, Chinese companies and apps operating in the US are facing growing challenges, he said.

Biden administration officials are beefing up a new office at the Commerce Department to enforce provisions of a Trump-era rule on protecting US information technology supply chains that covers connected apps and could be used to push for further restrictions.

"It seems unlikely that Congress would single out another Chinese company like TikTok for a specific bill, but the Commerce IT supply chain rule could be used in the future

to limit the ability of Chinese companies and apps to have access to portions of the US market," Triolo said.

Will there be retaliation from Beijing?

China's Commerce Ministry has pledged to take all "necessary measures" to protect its interests, shortly after the House of Representatives passed an earlier version of the TikTok bill last month. But it didn't elaborate.

On Wednesday, Wang Wenbin, a spokesperson for the Foreign Ministry said in response to a question from CNN's Marc Stewart: "On the TikTok matter, we have stated our position clearly, and I have nothing to add today."

Most American social networking apps have already been barred in China. Beijing currently blocks most US social media platforms — including Google, YouTube, X, Instagram, WhatsApp and Facebook — because they refuse to follow the Chinese government's rules

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a question from CNN's Marc Stewart: "On the TikTok matter, we have stated our position clearly, and I have nothing to add today."

Most American social networking apps have already been barred in China. Beijing currently blocks most US social media platforms — including Google, YouTube, X, Instagram, WhatsApp and Facebook — because they refuse to follow the Chinese government's rules on data collection and the type of content shared.

Triolo doesn't expect Beijing to react "strongly" to the US ban on TikTok, though.

"While Beijing is already on record as opposing any forced divestiture of TikTok US from ByteDance, its primary concern would be the transfer of technology involved," he said. "In general, Beijing cares much less about a social media company than about US technology controls."



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"Beijing will be much more likely to retaliate strongly to new US export controls, and is not likely to respond in kind to the US effort to ban TikTok US if it eventually happens," he added.

Beijing recently ordered Apple (AAPL) to remove social messaging apps WhatsApp, Signal, and Telegram from the firm's China app store. But it has not followed up with major crackdowns on virtual private networks, which many tech savvy Chinese use to communicate with friends abroad via these messaging apps.

"The move was likely timed to show that China will continue to block access to some apps it considers to be a national security threat, though the blocked apps have far fewer users in China than the 170 million or so users of TikTok in the US," Triolo said.

— CNN's Wayne Chang and Marc Stewart contributed reporting.



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Beijing recently ordered Apple (AAPL) to remove social messaging apps WhatsApp, Signal, and Telegram from the firm's China app store. But it has not followed up with major crackdowns on virtual private networks, which many tech savvy Chinese use to communicate with friends abroad via these messaging apps.

"The move was likely timed to show that China will continue to block access to some apps it considers to be a national security threat, though the blocked apps have far fewer users in China than the 170 million or so users of TikTok in the US," Trilo said.

— CNN's Wayne Chang and Marc Stewart contributed reporting.



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EXHIBIT 36

TikTok Ban Threatens Creator Economy: ‘There Is No Way I’d Have a Functioning Business’

The social media app gave them financial success. Could it all go away?

OUR EXPERTS



Written by Liliana Hall

Edited by Laura Michelle Davis

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- Creators are transferring their skills to other platforms

Document title: TikTok Ban Threatens Creator Economy: ‘There Is No Way I’d Have a Functioning Business’ - CNET Money

Capture URL: <https://www.cnet.com/personal-finance/banking/advice/tiktok-ban-threatens-creator-economy-there-is-no-way-id-have-a-functioning-business/#tiktok-build...>

Capture timestamp (UTC): Wed, 19 Jun 2024 14:14:43 GMT



Viva Tung/CNET

If TikTok is outlawed nationwide, where does that leave the folks who depend on it financially to survive?

A ban would devastate so many people's well-being, said Maria Watkins, also known as @livingplanetfriendly, a creator with over 256,000 followers who posts about living a low-waste lifestyle. "Many small businesses have launched their business on the app, and you don't get this level of engagement on other platforms," Watkins said.

The US government, citing national security concerns, is trying to force a sale or shutdown of TikTok but is up against a number of legal challenges, including from TikTok's Chinese-based parent company, ByteDance. Several content creators also filed a lawsuit, arguing that prohibiting the app would violate their First Amendment right to freedom of expression.

Beyond the debate around free speech and censorship, a potential ban on the popular social media platform is posing concerns over the future of TikTok creators' careers and livelihoods.

The creator economy is massive. According to research reported on LinkedIn, there are currently 10 times more paid content creators in the US than the total number of police officers, doctors and lawyers combined.

Some people start on TikTok to monetize their hobby, share their life stories or leverage audience engagement as small business owners. Once a creator has at least 10,000 followers and

Document title: TikTok Ban Threatens Creator Economy: 'There Is No Way I'd Have a Functioning Business' - CNET Money

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Capture timestamp (UTC): Wed, 19 Jun 2024 14:14:43 GMT

100,000 authentic video views over the last 30 days, they're eligible for TikTok's creator fund, which allows them to earn money based on how well a video performs.

Many creators make content on a part-time basis to supplement their regular income, pay their bills, gain brand recognition and develop production skills. Others become full-time creators, earning around \$179,000 a year, and bigger influencers make an average of \$344,000.

How do people make money on TikTok?

- **Score brand partnerships:** Product brands and services are increasingly partnering with creators who have a following because it connects them directly to customers.
- **Sell with TikTok shop:** TikTok has a built-in e-commerce platform that allows small business owners to promote and sell their merchandise all in one place.
- **Participate in affiliate marketing:** Influencers who promote a brand's product or service through affiliate marketing make a commission any time a viewer buys the product directly via the online content.
- **Publish sponsored posts:** Influencers and content creators can collaborate with brands to create sponsored posts promoting a product or service in exchange for a flat commission.

A TikTok ban could crush financial dreams

What started out as a hobby of decorating wide-brim hats is now the single largest revenue stream for **Jenna Zapata**. And it's all thanks to TikTok.



Photo courtesy of Jenna Zapata

Zapata opened Zig Zag Galleries, aka @zigzaggalleries, a contemporary multiuse gallery space in Denison, Texas, in May 2020. It was a tumultuous time for mom-and-pop shops, as COVID-19 lockdowns shuttered over 700,000 businesses in just a few months. Zapata had to quickly pivot and find new ways to sell products online for her business to survive.

When she saw someone selling customized drinking tumblers during a TikTok livestream to over 15,000 viewers, Zapata had an idea. Why not sell her specialty hats -- decked out with vintage matchbooks, dried florals, scarves and feathers -- on TikTok live?

“I hear a lot of talk about how you need thousands, if not millions, of followers to be successful on apps like TikTok,” said Zapata. “But that means nothing in the grand scheme of things.”

“I don’t think I’ll ever be able to find an algorithm that can push our business like TikTok does.”



Jenna Zapata, Co-owner of Zig Zag Galleries

In Zapata’s case, she would only need 1,000 followers to be eligible to livestream on the platform. Eventually, she started doing live “hat builds” two nights a week, customizing hats for clients and interacting with her viewers.

Running a business is hard, especially in a small town, Zapata said. But with her newfound success on TikTok, she’s able to work with a financial planner and started contributing to a 401(k), something she never found feasible.

Zapata is convinced that the TikTok algorithm helps people who need the most visibility. “My TikTok account seems to land in front of exactly the right people,” she said. “I don’t think I’ll ever be able to find an algorithm that can push our business like TikTok does.”

Zapata has since been able to give back by renting out her gallery space to local community groups and offering scholarships for up-and-coming artists. She recently received a \$5,000 grant from the city to host a meet-up for her hat club, which she built from her TikTok following.

“I’m only able to do these things because of TikTok. And it makes me so frustrated that it could all go away,” Zapata said.

Outlawing TikTok could turn lives upside down

Krystalynn Gier, also known as @krystalynngier, makes videos about wellness and sustainability that prioritize mind, body and planet. After getting laid off from her corporate marketing job right before Christmas in 2021, Gier decided to give TikTok a shot full-time. Now it’s her primary stream of income, mostly through brand partnerships.



Photo courtesy of Krystalyn Gier

When she lost her job, Gier started posting around six times a day to get out as much content as possible. “I was motivated by the fact that I was finally allowed to be creative at work,” she said.

Her life virtually changed overnight. After one viral video, she gained 24,000 followers, and she now has over 46,000. She’s making the same amount as when she was a brand manager for a marketing agency. The money allowed her to kick-start her own business, launch her podcast Mind Body Planet and fund her day-to-day expenses.

“Without TikTok, there is no way I’d have a functioning business and continue to be self-employed,” said Gier.

The social media app has proven to be an authentic space for building connections and networks. “Finding community on TikTok was pretty unsuspecting,” said Gier. “If it goes away, we’re reverting back to other platforms where it’s normal to be inauthentic.”

TikTok builds careers and success

Zapata and Gier are just two of the many voices on TikTok across the US who are both nervous and upset over a bipartisan bill that could effectively ban the social media platform.

Megan Hoang (@another_internet_mom) is a lifestyle content creator who showcases her life in Portland, Oregon, as a mom and small business owner of Mad Haus Kids. Hoang said she’s gotten most of her business through the app, allowing her to earn a steady flow of income while giving her plenty of personal flexibility. “TikTok has made it possible for me to make money from home while I raise kids, as well as build a community,” Hoang said.

“Without TikTok, there is no way I’d have a functioning business and continue to be self-employed.”



Krystalynn Gier, Host of Mind Body Planet

For **Joshua Dairen** (@joshuadairen), a content creator and owner of The Coffee Shop in Opelika, Alabama, TikTok has been an invaluable resource. Dairen is one of the few Black content creators focusing on paranormal activity and history in the South.

In one video post, Dairen shares how his TikTok has changed his life. “I’ve become a self-sustaining content creator. I’ve had opportunities that I couldn’t personally manufacture myself in any way,” he said. His online content has opened other doors, including bringing the most business to his coffee shop.

The TikTok ban would have a massive impact on the financial livelihoods of people who rely on the platform to support or supplement them monetarily, Dairen said. What’s even more devastating, he noted, is how outlawing TikTok would damage the visibility given to minority-owned small businesses and creators from underserved communities.

Brennan Kai (@brennan.kai), a full-time content creator who advocates for food waste reduction, planet-positive eating, slow-living and climate action, lost her job in 2020 due to the

pandemic. Kai applied to the TikTok education program on a whim, and she's now getting paid to create content on issues she was passionate about, like sustainability and healthy eating.

"Without TikTok, I'd be significantly impacted in terms of work and income," said Kai.

Creators are transferring their skills to other platforms

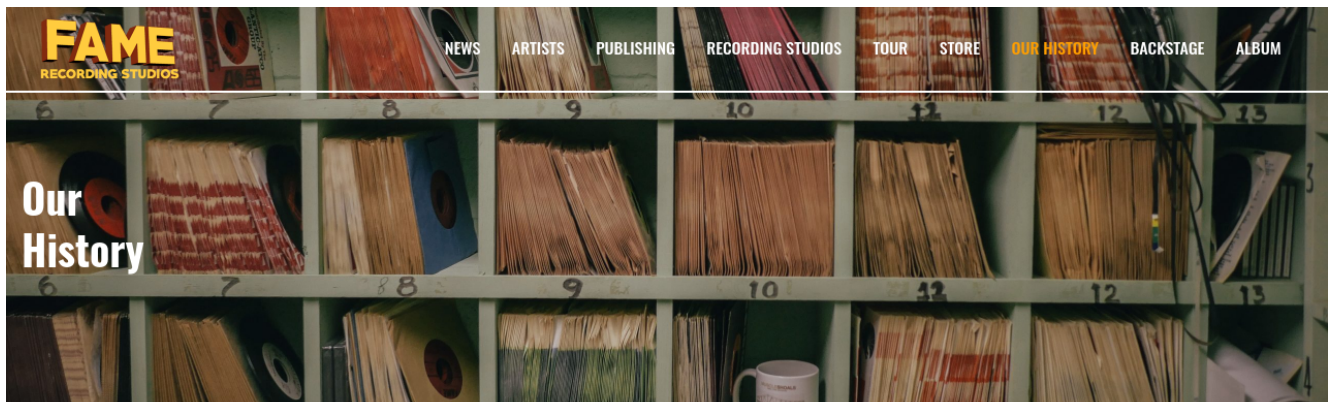
Though a TikTok ban wouldn't go into effect until next year, and the federal law could be held up in the courts even longer, the future of the app is unclear. To prepare for the worst-case scenario, many content creators and influencers are transferring their skills to other avenues.

Gier is preparing to shift gears, for example, by focusing on growing her following elsewhere. "If there's any semblance of good news, it's that the skills I've crafted through TikTok translate to other platforms like Instagram and YouTube," said Gier.

Kai has also been planning for a future without TikTok. "Since this has been a topic of debate for a long time now, I've focused on diversifying and creating content across multiple platforms so that I'll have a backup without TikTok," she said.

But trying to build a brand or business without TikTok, or even start from scratch, is nerve-racking. "I have to have a plan because we don't know if it's going to happen or when exactly it's going to happen," said Zapata. "The threat looming over us is honestly the worst feeling."

EXHIBIT 37



Our History

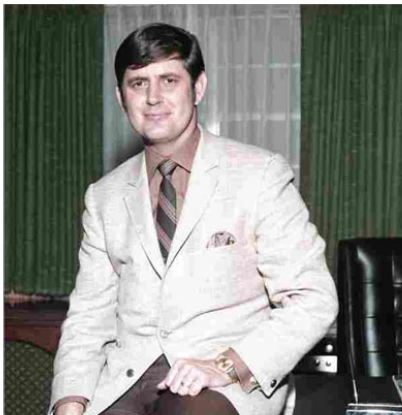
Any discussion about American music that doesn't include Muscle Shoals, Alabama isn't really a discussion at all. Heart-pounding. Soul-shaking. Iconic. Many words have been used to describe the Muscle Shoals sound. It's the sound that inspired a generation of musicians to travel to the southern banks of the Tennessee river, searching for a bit of that Muscle Shoals magic. Fame Recording Studios is where it all Started and where that sound lives on today.

Originally housed above City drugstore in Florence, Alabama, Florence Alabama Music Enterprises was founded in 1959 by Rick Hall, Billy Sherrill and Tom Stafford.

In 1960, Hall took over sole ownership and shortened the name to the acronym FAME and temporarily moved to Wilson Dam Highway in Muscle Shoals. This is where Muscle Shoals would have its first international success. With Arthur Alexander's "You Better Move On". Hall took that money, along with a borrowed \$10,000, built and moved the studio to its current location at 603 East Avalon Avenue, Muscle Shoals. Beginning with the legendary session that produced Jimmy Hughes' "Steal Away", FAME has been producing chart-topping hits ever since.

The famous sign above the entryway into FAME's studios reads: "Through these doors walk the finest Musicians, Songwriters, Artists, and Producers in the World". This is as true today as it was in 1961. Since it first opened its doors, FAME has welcomed a literal who's who of music royalty from Etta James, Wilson Pickett, and Aretha Franklin to Alicia Keys, Demi Lovato, and Jason Isbell. They have all come searching for the beautiful, soulful, sonic footprint that defines FAME Recording Studios.

FAME Recording Studios' lush acoustics and unique musical legacy have made it one of the most sought after recording studios in the world. It's the room where Aretha Franklin found her sound. It's the room where Wilson Pickett whaled on "Mustang Sally". It's where Clarence Carter has recorded for five decades. It's the room that continually produces chart-topping, generation-defining music year after year after year, including the 2019 #1 Americana album *Muscle Shoals* – *Small Town Big Sound* which included #1 Americana single, Grace Potter's "I'd Rather Go Blind"



FAME Publishing was founded in 1959 by Rick Hall, Billy Sherrill and Tom Stafford.

FAME writers Billy Sherrill, Dan Penn and Rick Hall have cuts on Roy Orbison, Brenda Lee and Tommy Roe.

Rick Hall took over as sole owner of FAME.

Late 1961 Rick Hall produced Muscle Shoals' first hit record on Arthur Alexander. The song, "You Better Move On", was later covered by the Rolling Stones.

FAME's first house rhythm section included Norbert Putnam, David Briggs, Peanut Montgomery and Jerry Carrigan.

FAME moves its studios and offices to the current location on Avalon Avenue in Muscle Shoals.

Jimmy Hughes has a huge hit with "Steal Away" on FAME Records, the first record done at the new location. Hughes went on to have seven hit records most of which were for FAME Records.

The Tams record their huge hit "What Kind Of Fool Do You Think I Am".

Buddy Killen brings Joe Tex to FAME to record the gold record "Hold On To What You've Got".

Rick Hall produces Etta James' Tell Mama album. This was James' biggest hit. This album has been praised as one of the greatest albums of the Rock and Roll era. "Tell Mama" was written by Clarence Carter and published by FAME.

FAME helps place the Muscle Shoals classic "When A Man Loves A Woman". FAME Records Clarence Carter has his very first hit with "Slip Away". Clarence went on to record three gold records, "Patches", "Too Weak to Fight" and "Slip Away" among many other hits at FAME. Clarence's recent recording marks the fifth consecutive decade that he has cut at FAME. Clarence was also a writer for FAME Publishing. In 1972 Clarence's record "Patches" was nominated for a Grammy.

Wilson Pickett comes to FAME to fire off a string of classic recordings. "Mustang Sally", "Funky Broadway", "Land of 1000 Dances" and "Hey Jude" featuring Duane Allman are only some of the songs that came from these sessions.

Jerry Wexler brings his newly signed artist Aretha Franklin to FAME. Franklin had been signed to Columbia for four years with no success. Her first cut at FAME was the million selling double sided smash, "I Never Loved A Man" and "Do Right Woman". This album won a Grammy for Album of the Year. FAME also published "Do



Document title: Our history – Fame Studios

Capture URL: <https://famestudios.com/our-history/>

Capture timestamp (UTC): Mon, 17 Jun 2024 18:42:42 GMT

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Addendum - 367

Wilson Pickett comes to FAME to fire off a string of classic recordings. "Mustang Sally", "Funky Broadway", "Land of 1000 Dances" and "Hey Jude" featuring Duane Allman are only some of the songs that came from these sessions.

Jerry Wexler brings his newly signed artist Aretha Franklin to FAME. Franklin had been signed to Columbia for four years with no success. Her first cut at FAME was the million selling double sided smash, "I Never Loved A Man" and "Do Right Woman". This album won a Grammy for Album of the Year. FAME also published "Do Right Woman".

Otis Redding brings Arthur Conley to FAME to record the soul classic "Sweet Soul Music". On a later visit to FAME Otis cut one of his last records, "You Left The Water Running" which was also published by FAME.

The second house rhythm section, later memorialized as the "Swampers" in Lynryd Skynrd's "Sweet Home Alabama", left in 1969 to form their own studio, Muscle Shoals Sound.



FAME Records inks distribution deal with United Artists.

Legendary singer/songwriter, Paul Anka signs with FAME Records. Anka records the smashes "One Man Woman", "One Hell of A Woman", "I Don't Like To Sleep Alone" and "You're Having My Baby". Each were million sellers with the latter selling five million.

FAME reinvests in its publishing operations signing several new young writers including Walt Aldridge, Tommy Brasfield, Steven Dale Jones and Robert Byrne.

Grammy winner Terri Gibbs comes to record at FAME.

Walt Aldridge and Tommy Brasfield's "There's No Getting Over Me" is recorded by Ronnie Milsap. The song is #1 on both the pop and country charts for several weeks and wins ASCAP's Song of the Year, the first for FAME Publishing.

Aldridge and Brasfield, along with Robert Byrne, continue to burn up the country charts with hits on acts such as Earl Thomas Conley, T. Graham Brown, Ricky Van Shelton, Ronnie Milsap and Alabama. These hits included "Holding Her and Loving You", "That Was A Close One", "How Do I Turn You On", "I Can't Win for Losing You", "Simple Man" and "Once in A Blue Moon". Rick Hall produces the Houston to Denver CD for Larry Gatlin and the Gatlin Brothers. The CD was widely acclaimed as the group's best in years and yielded three top 10 singles.

RCA's Jerry Reed comes to FAME after over five years without a chart record. Reed records his next four albums at FAME. These sessions included the #1 records, "She Got The Goldmine I Got The Shaft", penned by Tim Dubois, and "The Bird". Once again an artist's career is turned around at FAME. Drums on these sessions were played by a new guy from Shreveport, Louisiana named James Stroud.

Walt Aldridge pens "My Love is Chemical" sung by Lou Reed for the Mikhail Baryshnikov & Gregory Hines movie White Nights.

The Beatles Live at the BBC is released containing the FAME Publishing tune, "A Shot of Rhythm and Blues".

In 1987 Rick Hall signs a band playing at a local club down the street from FAME. The group later became known as Shenandoah. After co-producing five sides with Robert Byrne, they took the group to Sony Records who immediately signed the act and FAME Productions to a deal. Walt Aldridge and Gary Baker's group, the Shooters, were also signed under this production deal. Shenandoah did four albums for Sony and had seven #1 records in a row before leaving Sony and FAME Productions. In 1988 the group won TNN Music City News award for Best Group.

FAME sells its publishing catalog to EMI in 1989.

Another company is formed with Rick Hall and his three sons, Mark, Rodney and Rick Jr. Rick Hall Sr. turns over day to day operations of the company. Publishing hits continue to flow throughout the 90's from FAME's songwriters. Gary Baker, Mark Namore, Brad Crisler, Bruce Miller, Mark Hall, Tony Colton along with Walt Aldridge all pen several hits for FAME.

In 1994 John Michael Montgomery cuts the FAME Publishing classic, "I Swear". The song goes to #1 for four weeks. Atlantic pop artist All-4-One covered the country smash and their version was at #1 for a Billboard Magazine record 17 weeks. "I Swear" was #1 in every

FAME Records inks a joint venture with Capitol Records for Capitol to distribute FAME Records. FAME's artist roster included: Clarence Carter, Candi Staton, Dan Penn, Arthur Conley and Willie Hightower. In 1970 Mike Curb brought a new young group, the Osmonds, to FAME. The Osmonds sold eleven million records in 1971. They had a string of smashes with "One Bad Apple", "Yo-Yo", and "Down By The Lazy River". Donny released several FAME recorded solo albums which were all million sellers, including the hits "Go Away Little Girl" and the Rick Hall/Billy Sherrill song "Sweet and Innocent". In 1974 Marie Osmond came to town to do her This is the Way That I Feel album. The Osmond Brothers returned to FAME in the 80's to do their first country record, and had two hits off of the Electra album. Marie also returned to do some work in the 90's. In 2001 Marie's son Steven Craig came to Muscle Shoals for a little magic on his upcoming Def Jam release.

1970 Rick Hall was nominated for a Grammy in the "Producer of the Year" category.

In 1971 Mac Davis started recording a string of twelve albums of FAME. Mac had four Gold and platinum records produced by Rick Hall. Hits that came from Mac were: "Baby Don't Get Hooked On Me", "Stop and Smell The Roses", "Friend Woman Lover Wife", "Texas In My Rearview Mirror" and "Hooked on Music".

Billboard Magazine names Rick Hall the World's Producer of the Year for 1971.

FAME Records Capitol distribution deal ends with FAME placing 29 records in the R&B Top 40 and nine in the Pop Top 40.



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FAME Publishing has hits with John Michael Montgomery, Pam Tillis, Blackhawk, Tim McGraw, Reba McEntire, All-4-One and Shenandoah.

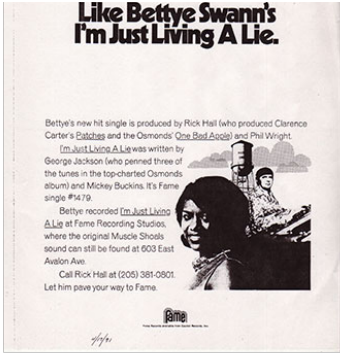
In 1996 Mark Hall Co-wrote "I Like It I Love It" which went on to be #1 on the country charts for 4 weeks. This song also was nominated for numerous country awards and won the American Songwriter Magazine Song Of The Year.

1997 Sons of the Desert have a top 10 record with Brad Crisler's "Whatever Comes First".

1997 Tony Colton pens LeAnn Rimes' smash "Commitment".

In 1999 FAME Publishing sells partial catalog to Music and Media.

Rodney and Mark Hall buy the remaining shares of stock from Rick Hall, as he decides to conserve his time for his production efforts.



Dixie Chicks Bruce Miller's "Once You've Loved Somebody" for the Wide Open Spaces CD which has sold eleven million records to date.

In 2000 Tim McGraw cuts and releases FAME's "Some Things Never Change", co-written by FAME writer Brad Crisler. The publishing company replenishes its writing staff with new young writers James LeBlanc and Victoria Banks, with veteran Russell Smith to anchor the group. Rick Hall produces part of the Alabama When It All Goes South CD at FAME in 2000.

Since 2000 FAME Publishing has had cuts on the Dixie Chicks, George Strait, Joe Diffie, Martina McBride, Travis Tritt, Sara Evans, Cyndi Thomson, Aaron Tippin, Billy Ray Cyrus, Alabama, John Michael Montgomery, Chris Ledoux, Perfect Stranger, 3 of Hearts, Chad Brock, Rebecca Lynn Howard, Michael Peterson, Kristin Garner, T. Graham Brown, Wild Horses and Kenny Chesney.

Victoria Banks has the to 10 single on Sara Evans, "Saints and Angels".

James LeBlanc has the Travis Tritt single, "Modern Day Bonnie & Clyde".

2000 Jason Isbell signs with FAME Publishing.

Jason Isbell joins the Drive By Truckers

In 2001 FAME Publishing established a subsidiary label, Muscle Shoals Records, immediately signing Amazing Rhythm Aces front man Russell Smith and Muscle Shoals super group The Decoys as their first acts.



2009 Dylan LeBlanc signs with FAME Publishing and records his debut album "Pauper's Field" recorded in FAME Studio B. The entire album is published by FAME

2009 Jason Isbell and the 400 Unit record their self titled album. The entire album is published by FAME

Drive by Truckers record the "Dirty South" album at FAME Studio B

James LeBlanc lands two cuts on Rascal Flatts #1 "Feels Like Today" album

2007 Jason Isbell records debut album "Sirens of the Ditch" recorded at FAME Studio B. The entire album is published by FAME.

Bettye Lavette records her Grammy nominated album "Scene of the Crime" at FAME.. Studio A

Heartland records the song of the year "I Loved her First" in FAME Studio B.. with longtime colleague Walt Aldridge handling the production duties.

Rock and Roll Hall of Fame inductee Spooner Oldham begins his solo project at FAME.

James LeBlanc and John Paul White pen the Jason Aldean smash "Relentless"

James LeBlanc, Matt Warren and Gary Allan write the Gary Allan top 10 record "Learning How to Bend"

Band of Horses record a portion of their massive hit album "infinite Arms in FAME's studio A

Jamey Johnson records his great version of "Two out of Three Ain't Bad" at fame.





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2009 Jason Isbell and the 400 Unit record their self titled album. The entire album is published by FAME

2010 Jason Isbell and the 400 unit records "Here We Rest" album. The entire album is published by FAME

Jason Isbell and the 400 Unit Live from Alabama is released. The entire album is published by FAME.

2012 Eli "Paperboy" Reed records "Steal Away" for the then unnamed album that will become "Muscle Shoals Small Town, Big Sound" album. He also records "Shock to the System"

2013 Phish Records part of "Fuego" album at FAME, produced by Bob Ezrin.

2013 Jason Isbell releases "Southeastern". The entire album is published by FAME.

Jan 23-24 Anderson East records "The Muscle Shoals Sessions – Live from FAME" EP

2015 Cyril Neville and the Royal Southern Brotherhood record "Don't Look Back" album at FAME

March 2016 Gregg Allman records his final farewell album "Southern Blood" at FAME. RIP Gregg Allman!

Eric Essix records his album, "This Train" at FAME

December 2016 Chris Gelbuda records his debut album

2016 Kirby Brown records "Uncommon Prayer" album at FAME

December 2016 Scott Sharrard, Gregg Allman's bandleader records his album "Saving Grace" at FAME.

2017 Blind Boys of Alabama record their "Almost Home" album at FAME.

2017 Paul Thorn records part of his "Don't Let the Devil Ride" with guests the Blind Boys of Alabama

2017 Third Day records their farewell album "Revival" at FAME with Monroe Jones producing.

March 8, 2017 Vince Gill records "True Love" for the Muscle Shoals Small Town Big Sound" album.

March 14, 2017 Michael McDonald records "Cry Like a Rainy Day" for the Muscle Shoals Small Town Big Sound" album.

Feb 27, 2017 Tom Johnston and Delbert McClinton record "Giving it up for your love"

Peter Levin records is debut album at FAME.

May 2017 Alan Jackson records "Wild Horses" for the Muscle Shoals Small Town Big Sound" album.

March 15, 2017 Keb' Mo' records "The Road of Love forthe Muscle Shoals Small Town Big Sound" album.

March 16, 2017 Alison Krauss records "Come and Go Blues" forthe Muscle Shoals Small Town Big Sound" album.

June 22, 2017 tracks for Aloe Blacc's "I'll Take you There" is recorded for the "Muscle Shoals Small Town Big Sound" album.

August 23, 2017 Mike Farris and the Blind Boys of Alabama record "Respect Yourself" for the "Muscle Shoals Small Town Big Sound" album.

2017 Paul Cauthen records "My Gospel" at FAME

2017 the Texas Gentlemen record "Texas Jelly"

November 29, 2017 Chord Overstreet records "We've got Tonight" for the "Muscle Shoals Small Town Big Sound" album.

January 2, 2018 Bishopp Gunn records "Alabama" single for the "Natchez" album at FAME.

February 13, 2018 Robben Ford records

March 11, 2018 Brent Smith from Shinedown recorded "Mustang Sally" for the "Muscle Shoals Small Town Big Sound" album.

March 6, 2018 track for Grace Potter's "I'd Rather Go Blind" is recorded.

March 27, 2018 Demi Lovato records an Aretha classic at FAME

April 24-27 2018 Steven Tyler records "Brown Sugar" for the Muscle Shoals Small Town Big Sound" album.

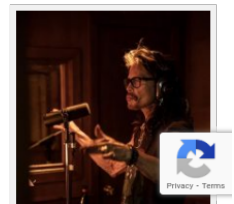
October 1-5, 2018 – Betty Fox Band

October 15-20, 2018 – Stephen Knight

November 2018 Foy Vance records at FAME

2018 Murray Cook – the red wiggle from the Wiggles.

November 6, 2018 – Muscle Shoals Small Town Big Sound album goes to #1 for the first of 5 weeks on the Americana album charts.



2017 Foy Vance records "My Sister" at FAME

2017 the Texas Gentlemen record "Texas Jelly"

November 29, 2017 Chord Overstreet records "We've got Tonight" for the "Muscle Shoals Small Town Big Sound" album.

January 2, 2018 Bishopp Gunn records "Alabama" single for the "Natchez" album at FAME.

February 13, 2018 Robben Ford records

March 11, 2018 Brent Smith from Shinedown recorded "Mustang Sally" for the "Muscle Shoals Small Town Big Sound" album.

March 6, 2018 track for Grace Potter's "I'd Rather Go Blind" is recorded.

March 27, 2018 Demi Lovato records an Aretha classic at FAME

April 24-27 2018 Steven Tyler records "Brown Sugar" for the Muscle Shoals Small Town Big Sound" album.

October 1-5, 2018 – Betty Fox Band

October 15-20, 2018 – Stephen Knight

November 2018 Foy Vance records at FAME

2018 Murray Cook – the red wiggles from the Wiggles.

November 6, 2018 – Muscle Shoals Small Town Big Sound album goes to #1 for the first of 5 weeks on the Americana album charts.

November 6, 2018 – Grace Potter's "I'd Rather Go Blind" hits #1 on the Americana singles chart for first of two weeks at the top spot

November 26-30, 2018 – Cody Brooks

January 25, 2019 – Muscle Shoals Small Town Big Sound Vinyl released

Feb 4-8, 2019 – Bishop Gunn starts recording new album.

February 15, 2019 – SSL 5056E delivered to newly remodeled FAME Studio B



February 19-23 & May 1-3, 2019 – Foy Vance comes into work on his upcoming album "Foy Vance From Muscle Shoals"

May 7-9, 2019 – The Revivalists records and videos upcoming release including "Oh No"

May 21-22 & August 21-23, 2019 – Maggie Rose album

June 1-10, 2019 – Savants of Soul record upcoming release

August 22, 2019 – Blind Boys of Alabama record background vocals on War and Treaty project

August 23, 2019 –

August 25, 2019 – Margo Price works on upcoming project

August 26-Sept 4, 2019

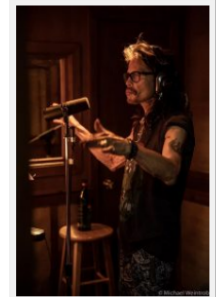


Photo by Michael Weintraub



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info@famestudios.com

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EXHIBIT 38

CULTURE

The Legendary Muscle Shoals Sound

Alabama Studios Rolled Out Big Hits of '60s and '70s

SEPTEMBER 20, 2003 · 12:00 AM ET

HEARD ON [WEEKEND EDITION SATURDAY](#)

 Debbie Elliott

[+ PLAYLIST](#)

In an obscure northwest corner of Alabama, a little-known piece of music history is up for sale. The Muscle Shoals Sound Studio was a recording mecca for rhythm and blues, rock and pop artists in the '60s and '70s.

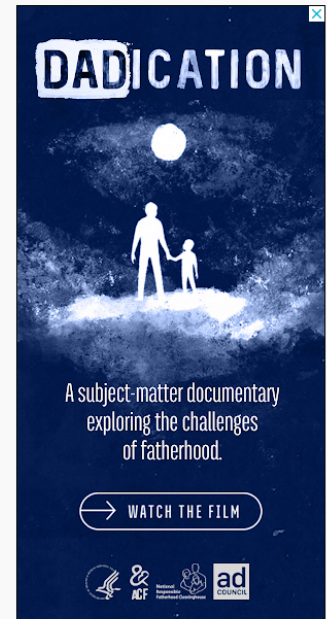
In 1969, four local session players known as the Muscle Shoals Rhythm Section decided to open up their own recording studio. David Hood, the group's bass guitarist and studio co-founder, says the studio's name was a joke of sorts.

"There was a Motown sound, there was a Nashville sound, there was a Memphis sound, and I said, 'Muscle Shoals Sound,'" Hood tells NPR's Debbie Elliott. "And we all thought that was just the funniest thing. And then after a bit we thought, 'Heck, why not?'"

In fact, that sound was already developing in Muscle Shoals at a studio called Fame — the first studio in the region to cut a hit record. That was 1961's "You Better Move On," by local bellhop Arthur Alexander, and it was the first of a string of R&B hits recorded there by such artists as Aretha Franklin, Wilson Pickett and Clarence Carter.

Muscle Shoals seemed an unlikely place for a celebrity crowd: the nicest hotel was a Holiday Inn, and sometimes the area's studios would put artists up in mobile homes at the local trailer park. But the music kept the stars coming, and in its heyday in the mid-70s, the area was home to eight studios.

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"I think they just got funkier records here than they did anywhere else," says Fame studio president Rodney Hall. "And it's a lot more laid back than any other music center in the country."

Artists from outside the South also found their sound there. Detroit rocker Bob Seger's signature song — "Old Time Rock 'n' Roll" — began as a demo tape at the Muscle Shoals Sound Studio. An engineer's mistake gave the song its distinctive da-da-da intro. Seger liked the sound and kept it in the final song.

Clarence Carter, who has been recording in Muscle Shoals for nearly five decades, says there's a vibe in the town that he could never capture when he recorded in California.

"There is some soul in Alabama that you can't find in Los Angeles," Carter says.

That sound is a blend of country, gospel and R & B, says Alabama Music Hall of Fame curator George Lair.

"You can draw a triangle from Nashville to Memphis to Muscle Shoals, and while Nashville is the country center, Memphis is generally known as the blues center," Lair says. "Muscle Shoals, being between those two places, has been able to combine those two styles into a real Southern rhythm and blues that was very appealing."

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Among those drawn to the area was Paul Simon, who came in search of the band behind the recording that many call the essence of the Muscle Shoals sound: "I'll Take You There" by the Staple Singers. Simon's collaboration with the Muscle Shoals Rhythm Section produced the hits "Kodachrome" and "Loves Me Like a Rock."

The Rhythm Section partners sold the Muscle Shoals Sound Studio in 1985. Now it's back on the market for \$650,000. So far, potential buyers include developers who would like to build condos, and others who are not interested

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"I'm seeing this place that I worked so hard, and my partners worked so hard to build going to waste and deteriorating because it's not being used," Hood says. "My greatest fear is if they don't find a buyer, they're just going to take it, dismantle it and sell it a piece at a time... That would break my heart."



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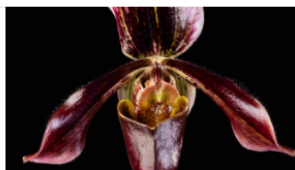
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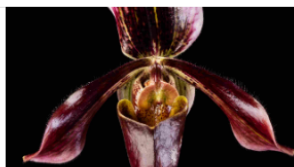
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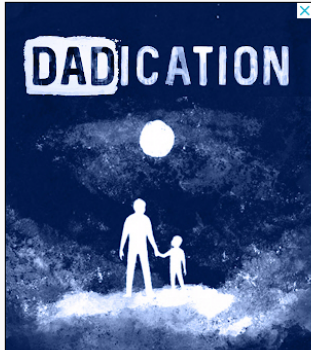
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EXHIBIT 39



The Defiant Spirit of the Muscle Shoals Sound

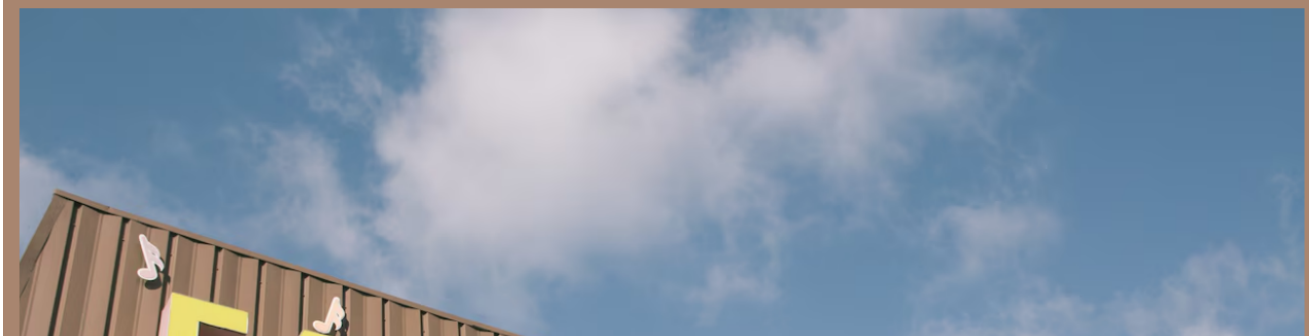
In the racially segregated American South of the 1960s, a small group of producers and artists built a studio that brought black and white soul artists together, and blended rock & roll, soul and R&B to create a regional sound that went nationwide.

March 1, 2016

By Erin Osmon

If '60s Nashville was the South's musical Goliath, then The Shoals – the four cities of Tuscumbia, Sheffield, Florence and Muscle Shoals in northwestern Alabama, on the banks of the Tennessee River – were the stone: unassuming, but powerful. It was in Muscle Shoals that Rick Hall and his Florence Alabama Music Enterprises (FAME) Studios became responsible for the "Muscle Shoals Sound": soul music signified by the bloodletting belting of the region's gospel singers, and funky instrumentation marked by cranked-up bass and drums.

Almost uniquely for the era, Hall arranged for black singers such as local bellhop Arthur Alexander and Jimmy Hughes to play and record with local white musicians, and became responsible for one of the most notable independent singles of the era. When it was released in 1961, Hall and Hughes's collaborative single and labor of love, "Steal Away," defied the racial segregation of the times and wove FAME Studios deep into the story of soul music in the South.





© David A. Smith

Hall wasn't the first music business impresario in the region, though. Jud Phillips was the brother of Sam Phillips, who set up the legendary rockabilly and rock and roll incubator Sun Studios in Memphis, TN, where Elvis Presley and Jerry Lee Lewis cut their teeth. Jud himself founded the short-lived Judd record label in Florence and would go on to be a monstrous force on behalf of Sun Studios. The success of singles such as Johnny Cash's "Get Rhythm" and Elvis Presley's "Blue Suede Shoes" are widely attributed to Jud's flair for promotion.

In the same year that Presley released "Blue Suede Shoes," James Joiner founded Tune Records and Tune Publishing in the back of his family-owned bus business in Florence. This was the beginning of many firsts for the "Muscle Shoals Sound." Tune was one of the first Alabama-based publishing companies with a demo studio, and Joiner wrote the first big hit to come out of The Shoals, "A Fallen Star," launching the singing career of local high school student Bobby Denton, who was later christened "The Singing Senator" during his 22-year run in the Alabama senate.

This regional success drew the attention of small town players like Hall and his friend Billy Sherrill – who played bass and sax in rival dance bands, The Country Pals and The Rhythm Swingers, and before joining forces for rock & roll band The Fairlanes – and the surly but ingenious singer-songwriter Dan Penn, who briefly fronted The Fairlanes. For all three, it was the financial promise of catching Nashville's eye that attracted them. They'd all regularly write and shop tunes to Joiner in the hopes of a \$50 paycheck, and



Roy Orbison - Sweet And Innocent



Roy Orbison - Sweet And Innocent

rival dance bands, The Country Pals and The Rhythm Swingers, and before joining forces for rock & roll band The Fairlanes – and the surly but ingenious singer-songwriter Dan Penn, who briefly fronted The Fairlanes. For all three, it was the financial promise of catching Nashville's eye that attracted them. They'd all regularly write and shop tunes to Joiner in the hopes of a \$50 paycheck, and at times it would work out: Joiner published a few of their early songs, like "Sweet and Innocent"; recorded in 1958 as a single by Roy Orbison, and then in 1970 by Donny Osmond.

Soon after Phillips cut the first side by Arthur Alexander, "Sally Sue Brown," in 1960, James Joiner decided to focus on the family business and ride the royalty wave courtesy of folks who would cover "A Fallen Star," as well as other cuts from his publishing roster – but not before introducing Hall and Sherrill to Tom Stafford.

An eccentric local who managed two movie theaters in Florence, Stafford had caught the music publishing bug from Joiner and was known to have a strange demeanor. "Tom was born with a hunched back, and he liked to sit on a stool with his legs doubled back underneath him," Hall recalls. "Dan Penn once said that Tom reminded him of a bat with its wings folded up."

His pitch to Hall and Sherrill was convincing, though, and it didn't hurt that Stafford's father had offered up three dilapidated rooms above the City Drug Store that he owned as a DIY live-work space. It was here in Florence that Hall and Sherrill set up a ramshackle demo studio: soundproofing one room with egg cartons, stapling carpets and curtains onto the walls and windows, and fitting plexiglass between two of the rooms. They would toil away at their songwriting, and sleep on cots when they needed to.



Muscle Shoals, 2016 © David A. Smith



Muscle Shoals, 2016 © David A. Smith

Their portable tape machine was a hand-me-down from James Joiner which recorded in mono, meaning that if anyone screwed up they had to start the take all over. Hall was the only one with any studio experience and even that seemed like a stretch, as it was mostly the product of self-taught tinkering at local radio station WERH, in Hamilton, AL, where he had worked a short stint as a

that portable tape machine was a hand-me-down from James Joiner which recorded in mono, meaning that if anyone screwed up they had to start the take all over. Hall was the only one with any studio experience and even that seemed like a stretch, as it was mostly the product of self-taught tinkering at local radio station WERH, in Hamilton, AL, where he had worked a short stint as a younger man. Even so, he appointed himself as the head engineer as radio studio and recording studio setups were very similar then. "No one would ever mistake one of our demos for a master or a hit record but, dumb as we were, we believed the quality was equal to or superior to the records on the radio," Hall said.

Unlike the romanticized warehouse lofts and art communities of more metropolitan cities, Florence was not a great source of pride for two near-broke musicians squatting above their buddy's dad's store. But despite Stafford's bohemian outlook being oddball for 1959, Joiner's success had attracted a handful of songwriters to the area and it suited the musicians looking to use The Shoals as a launch pad to Music City. It was here that Hall first auditioned Arthur Alexander's gospel quartet, The Heartstrings, about a year before Alexander cut "Sally Sue Brown." Though it ultimately went nowhere, Stafford felt that Alexander had great potential as a singer and writer and signed him to their publishing arm, along with Penn and another local musician called Terry Thompson.

Hall took to his new digs with fervor. He would drive their catalog back and forth from Nashville as the trio's pitchman and wait hours to meet with the likes of Owen Bradley at Decca, Chet Atkins at RCA or Shelby Singleton at Mercury Records. Since Nashville's burgeoning country and pop music scenes were somewhat insular communities in 1959, before the attention of a wider cultural cognoscenti set in, it wasn't unheard of for a nobody from nowhere to pitch to such monolithic producers. Nearly any songwriter with the patience and spare time could take a seat in the lobby, and wait for for his or her shot.

"Once through the door, Owen, Chet or Shelby would put my tape on, listen for about 15 or 20 seconds, then fast forward the tape to the next song," Hall said. "If you made it past the first verse and chorus, you were doing pretty well. If they didn't listen to the second verse, you were dead in the water."



(June) Arthur Alexander - Sally Sue Brown





Muscle Shoals, 2016 © David A. Smith



Muscle Shoals, 2016 © David A. Smith

Though Hall's unrelenting work ethic was initially energizing for the three friends, a year later it was polarizing. Stafford and Sherrill confronted Hall, citing his hard-nosed tendencies as the reason why they wanted him out of the business. "Billy wrote some songs, but he and Tom seemed more interested in socializing and spending untold hours holed up in the balconies of The Shoals and Cinema theaters," Hall said. "I don't think I saw three movies the whole time we worked together, but I'll bet Tom and Billy saw 50."

Stafford emphasized that he and Sherrill desired an amicable split, and meant Hall no harm, but Hall still felt the sting of rejection. After negotiations, Stafford and Sherrill sold the FAME name to Hall for \$1 and retained much of the songwriter roster, including Arthur Alexander, for their own publishing company, Spar Music. Sherrill eventually split from Stafford and in 1962 headed north to manage the Nashville base of Sam Phillips' Sun Records, and Penn and Thompson opted to head out on a new adventure with Hall.

Deflated but not defeated, Hall packed up and headed to a former tobacco warehouse on Wilson Dam Road in Muscle Shoals to form his FAME recording studio, and found the FAME publishing company with Penn, Thompson and himself as the in-house songwriters. With steady income from writing jingles for local businesses and playing on weekends with The Fairlanes, the blow from the Stafford and Sherrill ousting began to heal. And it was a good thing, too, because it wasn't long until Stafford came knocking again.

In 1961, Stafford rang up Hall with a fortuitous hunch. He thought that Arthur Alexander had written a hit, "You Better Move On," but Sherrill and himself had little studio experience and didn't know how to cut it. After hearing it, Hall agreed to help produce it. The potential for money and fame now outweighed his bruised ego. "When I heard 'You Better Move On' for the first time, I thought that Arthur's melody would fit perfectly with the rhythm pattern of my old favorite 'Stand By Me,'" Hall explained. "I altered the bassline just a little, then I used an open sock cymbal with room echo from the bathroom for that loud, metallic effect."

Everything of that era was recorded live in mono. After securing a mixing board, organ and piano for the studio, Hall hung a Telefunken microphone in the bathroom in the back of the building and used the space as an echo chamber. This microphone would capture Alexander's vocals and Montgomery's acoustic guitar at



Arthur Alexander - You Better Move On

the bathroom for that loud, metallic effect.

Everything of that era was recorded live in mono. After securing a mixing board, organ and piano for the studio, Hall hung a Telefunken microphone in the bathroom in the back of the building and used the space as an echo chamber. This microphone would capture Alexander's vocals and Montgomery's acoustic guitar at the same time and – because he couldn't control the volume between the two – Hall would move them forward and back, six inches or so, until he achieved the sound that he wanted. The remaining, lesser microphones in the studio were arranged one each, in front of the snare drum, kick drum, piano and electric guitar.

"I believed then, and still believe today, that any more than three microphones on a drum set is senseless and counterproductive," Hall said. This DIY session ignited Hall's fire. Since he had never produced or mixed a record before, he did it by trial and error. His determination cemented his reputation as a dogged fireball who was unwilling to compromise. "Rick Hall lived with that record like a hermit until he had it just right," Alexander remarked. "He knew exactly what he wanted, and he wasn't going to stop until he got it."



Muscle Shoals, 2016 © David A. Smith



Muscle Shoals, 2016 © David A. Smith

By 1961 songs like Elvis Presley's "Are You Lonesome Tonight?" and the doo wop version of "Blue Moon" by The Marceles had topped the Billboard Hot 100 Chart. Racial segregation remained in full effect in America's Southern states, despite the organizing efforts of civil rights activists participating in marches and sit-ins at segregated universities and other public spaces. The Freedom Riders were just beginning to challenge the status quo by boarding interstate buses, and embarked on their inaugural journey from Washington D.C. to New Orleans.

Without enough money to press the record, Hall took "You Better Move On/A Shot Of Rhythm and Blues" to Nashville with hopes of selling it to a big label. Instead, he encountered one rejection after the next. "Most said it was 'too black' for country [music] and 'too country' for black [music]," Hall said. It's hardly a stretch to imagine that a comparatively raw R&B track by an

without enough money to press the record, Hall took “You Better Move On/A Shot Of Rhythm and Blues” to Nashville with hopes of selling it to a big label. Instead, he encountered one rejection after the next. “Most said it was ‘too black’ for country [music] and ‘too country’ for black [music],” Hall said. It’s hardly a stretch to imagine that a comparatively raw R&B track by an unknown black singer from north Alabama was a hard sell in a musical epicenter dominated by white country, rock & roll and pop artists, and to a lesser extent the more polished, metropolitan sounds of black artists from the north. When Hall had almost given up hope, he pitched the song out of desperation to a producer, Noel Ball, at local pop radio station WMAK. Ball heard the potential and had a relationship with Randy Wood: the founder of Dot Records, which had recently moved from Tennessee to Hollywood.

Wood scooped it up and offered Hall and Alexander three percent of the sales royalties each – which boded well for them. As the song climbed to #22 on the national pop charts it eventually made its way to England, where it was covered by The Hollies and The Rolling Stones in 1964. But Arthur Alexander was Tom Stafford’s artist. After the success of “You Better Move On,” Stafford and Ball brought Alexander to Nashville, without Hall, to record a long player. Hall never worked with Alexander again.

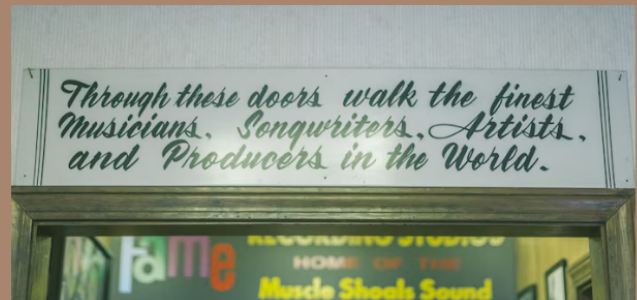
Hall’s wife Linda remarked that once the owner of the warehouse caught wind of Hall and Alexander’s successes, he attempted to raise Hall’s rent from \$65 to \$365 a month, forcing Hall to explore other spaces. As the story goes, Hall took his first \$1,900 royalty check from the sale of “You Better Move On” to build the permanent walls of FAME at 603 East Avalon Avenue, in Muscle Shoals; once a lonely structure in the middle of a field, neighbored only by a local diner. Hall built a new studio with help from Countryopolitan hit maker Owen Bradley. It was the largest room that Hall had ever worked in: 45-feet long, 20-feet high, 20-feet wide.



The Rolling Stones - You Better Move On

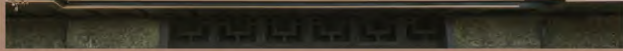


© David A. Smith



© David A. Smith

“Owen firmly believed that the key to building a great sounding studio was to have a tall ceiling and no echo inside the main



© David A. Smith

"Owen firmly believed that the key to building a great sounding studio was to have a tall ceiling and no echo inside the main room," Hall said. "This was done with acoustic tile, louvered walls and baffles." Bradley taught Hall how to build a proper echo chamber out of hard plaster, with all of the rooms edges rounded off. It measured 8-feet wide, 10-feet long and 8-feet high. While the new studio was under construction, Hall met the man who would ultimately cement him as a legendary producer in an unlikely locale.



Jimmy Hughes - I'm Qualified

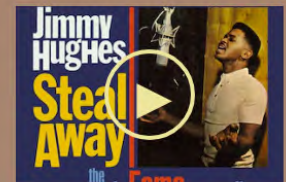
Jimmy Hughes was the older cousin of the then-unknown Percy Sledge. He sang in a local gospel quartet called The Singing Clouds until his bandmate and friend, Carl Bailey, had the idea to introduce the seraphic-voiced singer to Hall – the new record producer in town. "Carl and I were raised up together in Leighton," Hughes said. "I don't know how he actually first got in touch with Rick, but he came and told me that he knew this guy who wanted to record some artists – but I was happy with The Singing Clouds and so I told him that I didn't want to do it."

Hughes' tune changed when he noticed the former hotel bellhop Arthur Alexander cruising around The Shoals in a new Lincoln Continental. Hall recognized Hughes's star power from their first meeting. "Just like his idol Sam Cooke, Jimmy Hughes was an extremely handsome young black man, with a unique and sensational high tenor voice," he said. "Nobody could ever hit those high notes Jimmy Hughes could hit as a singer, and they certainly couldn't milk the emotion and soul from the lyrics like he could."

The first single they cut, "I'm Qualified," written by Hall and local radio disc jockey Quin Ivy, was licensed in 1962 to Philadelphia's Guyden Records. The single did well locally, but didn't cause enough of a stir nationwide to chart. Undeterred, Hughes began to sing his new R&B songs around Alabama (on the weekends, when he wasn't working in a rubber factory) and it slowly crossed over from the gospel world into the secular singing world.

Then, Hall had a game-changing idea. Despite the lukewarm reception to "I'm Qualified," Hall asked Hughes to come back after he'd written a few songs of his own. "That was strange, in a way," Hughes says. "I'd never written any songs before. When he told me that, I just started thinking up words and lines and so forth. It took me about two weeks to write 'Steal Away,' but it came fairly easy once I finally got into it," says Hughes. "That was the first thing that I [ever] wrote."

"Steal Away" would be the single that would finally give Hall the confidence that FAME Studios could operate as an autonomous hit-making factory. It became a wildly successful hit that would go on to be covered by Ann Peebles and Wilson Pickett, but what's



Jimmy Hughes - Steal Away

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"Steal Away" would be the single that would finally give Hall the confidence that FAME Studios could operate as an autonomous hit-making factory. It became a wildly successful hit that would go on to be covered by Ann Peebles and Wilson Pickett, but what's often left out of the story is that the demo was shelved for a couple of years before Hall recut it. "It was Dan [Penn] that convinced my dad that it was a hit," Hall's son Rodney explained. "There are two versions of 'Steal Away,' but the one recorded at the new studio [at the latter studio on Avalon Avenue, as opposed to the original Wilson Dam Highway studio] that became the hit."

Despite Penn's conviction that "Steal Away" would be a smash, Hall was concerned about the lyrical theme. Could a song about infidelity by a black artist really captivate a Southern audience deep in the throes of Governor George Wallace's reign of terror? But after Hughes re-recorded it with most of the musicians from Alexander's original "You Better Move On" session, he became more than convinced.

"When Jimmy's velvety high tenor voice kicked in, and cried the pleading lyrics, 'Please, please steal away,' big chill bumps rose up on my arms and the hair on the back of my neck stood straight up," he said. Hall couldn't believe it when Hughes hit the high notes near end of the track: begging "I know it's late, but oh I can't wait / So come on and steal away," without a falsetto. "I watched Jimmy rear back, dig in, and with passion and determination written all over his face, nail it."

Hall had captured lightning in a bottle on his own, and deepened the pain of Alexander's pleading soulfulness from that of a mere bump to a forceful punch. He shipped "Steal Away" to Nashville, but it was met with the same reception as Alexander's "You Better Move On." After losing Alexander to a short-sighted handshake deal, Hall was determined to tip his songs into the hit realm on his terms.

The pair loaded up 2,000 self-funded 45s and lots of clear hooch into a borrowed station wagon, with aims of pressing a copy of "Steal Away" and a bottle of vodka into the palm of every regional black disc jockey who'd have them.

By now, in 1964, Governor George Wallace had staged his "Stand in the Schoolhouse Door" at the University of Alabama in Tuscaloosa, a symbolic act of his commitment to racial segregation. President Lyndon B. Johnson signed the Civil Rights Act that same year, but despite federal legislation segregation remained the norm in many resistant Southern states. Police forces and pro-segregation groups attacked civil rights activists in the streets. "It was a dangerous time, but the studio was a safe haven where blacks and

a symbolic act of his commitment to racial segregation. President Lyndon B. Johnson signed the Civil Rights Act that same year, but despite federal legislation segregation remained the norm in many resistant Southern states. Police forces and pro-segregation groups attacked civil rights activists in the streets. "It was a dangerous time, but the studio was a safe haven where blacks and whites could work together in musical harmony," Hall said. "If I had any fear of danger for me and my family, it would have come from whites who objected to my close friendship and working association with black people."

In a metaphorical act of retaliation against the popular music machine, and the even bigger systemic racial oppression of the still-segregated state of Alabama, Penn and Hall set off on what became known as "The Vodka Tours." The pair loaded up 2,000 self-funded 45s and lots of clear hooch into a borrowed Ford station wagon, and spent nine days driving from Tupelo, Mississippi to New Orleans and back over to Atlanta, with aims of pressing a copy of "Steal Away" and a bottle of vodka into the palm of every regional black disc jockey who'd have them.

"Steal Away" became increasingly sticky on airwaves as the 45 sold out in batches of 650, over and over again, in a series of deals Hall struck with regional, independent distributors as far north as Washington D.C. "Being an independent producer and working outside the major labels was nearly impossible back then," Rodney Hall added. "Jimmy was the first multiple-hit artist for the label that was from this area. That was a real point of pride for my dad." Hughes could then finally quit his full time job at a rubber factory. "They told me I had a hit on my hands and – oh, it made me so happy, I didn't know what to do," he said. "I was making more money and to know that I was a star, something I never really thought I would be, was a tremendous feeling."

Ultimately, Hall would license "Steal Away" to Vee Jay Records in Los Angeles: retaining all of its rights, and cashing in on big royalties as the single climbed to the Top 20 of the Billboard Hot 100. But, perhaps more importantly, it gave Hall the confidence to press on with his own label and original FAME studio band, establishing what would become the sound known as Muscle Shoals.





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On a different note



Nightclubbing: Atlanta's Royal Peacock
→ A club that represented so much more than a place for entertainment



Interview: Numero Group on Syl Johnson, Capsoul, and Dinosaur Jr.



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EXHIBIT 40



MAY 29, 2024

Remarks by President Biden and Vice President Harris at a Campaign Event | Philadelphia, PA



BRIEFING ROOM

SPEECHES AND REMARKS

Girard College
Philadelphia, Pennsylvania

2:17 P.M. EDT

THE VICE PRESIDENT: Good afternoon, Philadelphia. (Applause.) Good afternoon. Good afternoon. Good afternoon.

I want to thank Robert Nix for your leadership and for those very kind words and all you do for our country.

And I want to thank all the incredible leaders who are here with us today, in particular our young leaders. It is so good to see you all. (Applause.)

I also want to thank the members of the Congressional Black Caucus who are with us this afternoon. (Applause.)

And, everyone else, thank you for being here.

So, in 2020, Black voters in Philadelphia and across our nation helped President Biden and me win the White House. (Applause.) Yes, you did. And in 2024, with your voice and your power, we will win again. (Applause.)

Philadelphia, in Joe Biden, we have a fighter; a leader with skill, vision, determination, and compassion; a leader who keeps his promises.

As a candidate for president, Joe Biden gave his word that we would fight to address some of the biggest issues facing the Black community, and we have delivered. (Applause.)

In 2020, Joe Biden and I vowed that we would lower the cost of healthcare, like insulin.

For far too many years, too many of our seniors with diabetes had to make the awful decision about either filling their prescription or paying their rent, and Black Americans are 60 percent more likely to be diagnosed with diabetes. So, we passed the cost of insulin for seniors at \$35 a month.

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In 2020, Joe Biden and I vowed to...uld lower the cost of healthcare, like insulin.

For far too many years, too many of our seniors with diabetes had to make the awful decision about either filling their prescription or paying their rent, and Black Americans are 60 percent more likely to be diagnosed with diabetes. So, we capped the cost of insulin for seniors at \$35 a month. (Applause.)

And under Joe Biden's leadership, finally, we took on Big Pharma and finally gave Medicare the power to negotiate drug prices. (Applause.)

We also took on the issue of debt, which makes so many people feel like they can never get ahead.

Take, for example, medical debt. We are now making it so medical debt can no longer be included on your credit score — (applause) — so that medical debt cannot impact a person's ability to get a car loan, an apartment lease, or a home loan. (Applause.)

In 2020, we promised to forgive student loan debt. (Applause.)

Do I see people testifying? (Laughs.) Can I get a witness? (Laughs.)

And I'll tell you, I — I have a unique position as Vice President to spend a lot of time with our president. And on this subject, I remember sitting in the Oval Office with our president, Joe Biden, shortly after the United States Supreme Court struck down our initial plan to forgive billions of dollars in student loan debt.

AUDIENCE: Booo —

THE VICE PRESIDENT: A different leader — a different kind of leader would have thrown in the towel. Not Joe Biden. (Applause.) Not Joe Biden.

And I'm going to tell you what he said that day. I'm going to tell you what he said that day: "This is not over." (Applause.)

So, we kept fighting. And so far, we have forgiven over \$165 billion in student loan debt for over 5 million Americans. (Applause.) On average, more than 30 dollar — \$30,000 per person and \$70,000 for our public servants, like nurses, firefighters, and teachers. (Applause.)

In 2020, we promised to take on the issue of the epidemic of gun violence, knowing that today, in America, gun violence is the number-one cause of the death of the children of America — not car accidents, not cancer — gun violence.

We took on the issue knowing Black Americans are 10 times as likely to be the victim of gun homicide.

And I'll tell you, I have personally held too many hands of mothers and fathers as I attempted to comfort them after their child was killed by gun violence.

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We took on the issue knowing Black Americans are 10 times as likely to be the victim of gun homicide.

And I'll tell you, I have personally held too many hands of mothers and fathers as I attempted to comfort them after their child was killed by gun violence.

So, to address this crisis, under the President's leadership, we passed the first major gun safety law in nearly 30 years — (applause) — a bipartisan law to strengthen background checks.

And, again, I sat in the Oval Office with the President, where he sat down with Democrats and Republicans and appealed to their better selves. And that's why, for the first time in 30 years, it happened as a bipartisan deal.

We created the first White House Office of Gun Violence Prevention, which I lead and has now invested \$1 billion to hire mental health — (applause) — mental health counselors in public schools to help heal the mental trauma of gun violence.

And, Philadelphia, in all of our work, the President has been guided by a fundamental belief: We work for you, the American people — (applause) — not the special interests, not the billionaires or the big corporations, but the people.

And in November, all the victories we have won and everything we fight for every day is on the line.

You know, Donald Trump once asked Black Americans — I'm going to quote, excuse the language — "What the hell do you have to lose from a Trump presidency?" And sadly, we all know too well.

When he was president, Donald Trump tried over and over to get rid of the Affordable Care Act and to take healthcare, then, from millions of Black Americans.

Year after year, he proposed cuts to Social Security and Medicare so that so many of our seniors would be deprived on what they rely on to live with dignity.

And then he handpicked three members of the United States Supreme Court — the court of Thurgood —

AUDIENCE: Booo —

THE VICE PRESIDENT: — with the intention that they would overturn Roe v. Wade. And as he intended, they did.

And today, one in three women and more than half of Black women of reproductive age live in a state with an abortion ban — a Trump abortion ban. And if he wins a second term, I promise you: He's going to go even further.

So all of this is to say who sits in the White House matters. It matters for —

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And today, one in three women and more than half of Black women of reproductive age live in a state with an abortion ban — a Trump abortion ban. And if he wins a second term, I promise you: He's going to go even further.

So, all of this is to say, who sits in the White House matters. It matters for — (applause) — it matters for the people of America and for people around the world.

As vice president, I've now met with over 150 world leaders: presidents, prime ministers, chancellors, and kings. And I cannot tell you how many times one of those leaders has pulled me aside and talked about how much the world relies on us and on Joe Biden's leadership — (applause) — his defense of democracy, his commitment to the ideals of freedom and liberty and equality, and his willingness to fight for these ideals.

And as the people of Pennsylvania know, our president does not only know how to fight, he knows how to win. (Applause.)

We beat Donald Trump once, and we going to beat him again. (Applause.)

And now it is my honor to introduce our President, Joe Biden. (Applause.)

THE PRESIDENT: Hello, Philadelphia! (Applause.)

AUDIENCE: Four more years! Four more years! Four more years!

THE PRESIDENT: Thank you.

AUDIENCE: Four more years! Four more years! Four more years!

THE PRESIDENT: Thank you, thank you, thank you.

It's good — it's good to be —

AUDIENCE: Four more years! Four more years! Four more years!

THE PRESIDENT: (Laughs.) It's good to be almost home. (Applause.) I just live down the road a little bit.

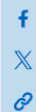
Thank you, Kamala, for your partnership. And it is a partnership. And how about another round of applause for our great Vice President. Isn't she something else? (Applause.)

It's great to see so many friends, including my fellow Scrantonian Senator Bobby Casey. Bobby, where are — where are you? (Applause.) There you are. There you are.

Mayor Parker; Lieutenant Governor Davis — (applause); and Chair of the Congressional Black Caucus, Steve Horsford — (applause); and members of the CBC who are here tonight, I'm a — if I introduced everybody, I'll be here all night.

But look, while he couldn't be here, we're thinking of our dear friend

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Mayor Parker; Lieutenant Governor Davis — (applause); and Chair of the Congressional Black Caucus, Steve Horsford — (applause); and members of the CBC who are here tonight, I'm a — if I introduced everybody, I'll be here all night.

But, look, while he couldn't be here, we're thinking of our dear friend Congressman Dwight Evans. He's recovering. And he's going to recover. He's doing well. (Applause.)

And joining us are so many state and local officials from across the country, including a guy for my father's hometown, where he was born, Baltimore, Maryland. They say it down in Baltimore, not Baltimore. (Pronounced in an accent.) I want to — I want to introduce you to the mayor of — the mayor — the governor of the great state of Maryland. Where are you, Gov? (Applause.)

In case you haven't noticed, he looks like he can still play too. (Laughter.) It's great to be with you, Gov.

Civil rights and community leaders from all across the country.

Folks, if anyone wothers — wonders whether their vote matters, remember this: Because Black America voted in 2020, I'm —

Please, have — have a seat, if you can, if you have a seat.

Because Black Americans voted, Kamala and I are President and Vice President of the United States — because of you. That's not hyperbole. Because you voted, Donald Trump is a defeated former president. (Applause.)

And with your vote — with your vote in 2024, we're going to make Donald Trump a loser again. (Applause.)

In 2020 and throughout my career — I know a lot of Philadelphians know this because I got so much help when I was running for the Senate in Delaware from Philly — Black voters placed enormous faith in me. I've tried to do my best to honor that trust, staying true to the value set that we share — it got me involved as a kid in the first place: Everyone is entitled to be treated with dignity and respect, faith and family are everything, and we leave no one behind. (Applause.)

But, folks, I know it's natural to wonder if democracy — the democracy you hear about actually works for you. When justice is denied, how can it be working for you? When promises are broken, how can it be working for you? When you have to be 10 times better than everyone else to get the same shot, how can it be working for you?

I get it. And I know there's a lot of misinformation out there. So, I came today to speak the truth — (applause) — the truth about promises made and promises kept.

Do you remember when the pandemic hit — when 20 million people were

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same shot, how can it be working

I get it. And I know there's a lot of misinformation out there. So, I came today to speak the truth — (applause) — the truth about promises made and promises kept.

Do you remember when the pandemic hit — when 20 million people were out of work, when businesses and schools shut down, emergency rooms were overwhelmed, and Black folks were hit harder than anyone? When Trump was president, he said — and he said this — he took responsibility for none of it — said, "It's none of my responsibility."

When I came into office, I promised we'd do everything we can to get us through that pandemic. And that's what we did. That, folks, was a promise made and a promise kept. (Applause.)

I promised to put racial equality at the center of everything I do because I vowed I would have an administration that looked like America. Because you voted, we're invested more money than ever in the Black families and communities. A promise made and a promise kept.

I promised we'd start to reconnect Black and brown and overlooked neighborhoods cut off by highways in the '60s and decades of disinvestment as a consequence of it, including here in Philly. But we're — changed that with the Recovery Act of — with the — in the — right now you see all the construction going on on the highways around here. A promise made and a promise kept. (Applause.)

Look, I said I'd remove every lead pipe in America so every child can drink clean water without fear of brain damage. We're doing it. A promise made and a promise kept. (Applause.)

I promised we'd also take the most significant action on environmental justice ever to remove the legacy of pollution that smothers fence-line communities, because every child, every American deserves to breathe clean and fresh air. We're doing it. A promise made and a promise kept. (Applause.)

I promised to access affordable high-speed Internet because now Internet is just as important as it was in the days of Franklin Roosevelt — electricity was generations ago. We're delivering now because no child should have to do their homework at McDonald's when things are shut down, sit in the parking lot with their parent to get it done. Another promise made and another promise kept.

I promised to protect your healthcare. I protected and expanded the Affordable Healthcare Act that was Obamacare — is still Obamacare — (applause) — saving — saving millions of Americans an additional \$800 a year in premiums.

And, folks, the Affordable Care Act is still a big deal. (Applause.)

As Kamala just explained, senators with — debated this, but we finally got it done — we debated — seniors with diabetes are now paying \$35 for insulin

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(applause) — saving — saving millions of dollars for Americans an additional \$800 a year in premiums.

And, folks, the Affordable Care Act is still a big deal. (Applause.)

As Kamala just explained, senators with — debated this, but we finally got it done — we debated — seniors with diabetes are now paying \$35 for insulin instead of \$400. I'm determined to make that apply to every American, not just seniors, in the second term. (Applause.)

We're capping — the bill we've already passed, we capped total out-of-pocket costs for drugs for seniors beginning next year at \$2,000 a year total, excluding — including cancer drugs that cost \$10-, \$12-, \$14,000 a year. You pay no more than \$2,000 a year. (Applause.) A promise made and a promise kept.

And, by the way, it not only saves people money, it saves the taxpayers — guess what? — \$160 billion cut in the def — because Medicare doesn't have to pay those exorbitant prices. (Applause.)

Folks, one of the reasons I got started and won the first time and subsequent times in Delaware is because of the best HBCU in America, Delaware State. (Applause.) Kamala — Kamala says it's some school down in Washington. (Laughter.)

Anyway, HBCUs are incredible institutions, but they don't have the same endowments as other universities to fund research centers and do so much more. Because you voted, I kept my commitment, and we're investing \$16 billion — (applause) — the most ever in the history of America — \$16 billion. It will grow America. It will save America money. A promise made and a promise kept.

I'm keeping my promises that no one should be in jail merely for using or possessing marijuana. (Applause.) I pardoned thousands of people incarcerated for the mere possession of marijuana — thousands. A promise made and a promise kept. And for — their records should be expunged as well, I might add. (Applause.)

Folks, it wasn't easy to get a lot of this done. In fact, obstacles every step of the way, we faced. For example, Senate Republicans blocked the George Floyd Justice in Policing Act. But it didn't stop me from signing a historic executive order requiring key elements of that bill for federal enforcement. That is banning choke holds, greatly restricting no-knock warrants, creating databases for police misconduct, and so much more. (Applause.) But we're still — and we did it with the support of George Floyd's family, and we're going to finally get it all done. A promise made and a promise kept.

I promised we'd beat the NRA. And we did. (Applause.) As Kamala mentioned, I signed the most significant gun safety law in nearly 30 years. A promise made and a promise kept.

And, by the way, I'm going to go back and once again ban assault weapons in America. (Applause.) I did it once; I'll do it again.

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I promised we'd beat the NRA. And we did. (Applause.) As Kamala mentioned, I signed the most significant gun safety law in nearly 30 years. A promise made and a promise kept.

And, by the way, I'm going to go back and once again ban assault weapons in America. (Applause.) I did it once; I'll do it again.

The Supreme Court blocked me from relieving student debt, but they didn't stop me.

So far, I've relieved student debt for nearly 5 million Americans — (applause) — a significant number are Black borrowers — so you can chase your dreams, start a family, buy a first home, start a business, and so much more.

And guess what? It grows the economy. It strengthens the economy.

I'm going to keep it going. A promise made is a promise kept.

But we're — speaking of the —

AUDIENCE MEMBER: (Inaudible.)

THE PRESIDENT: — speaking of the courts, because you voted, I was able to keep my commitment to appoint the first Black woman on the United States Supreme Court — (applause) — Justice Ketanji Brown Jackson. A promise made and a promise kept.

And I appointed more Black women to the federal circuit courts than every other president in American history combined. (Applause.) Every single president combined.

And overall, we've appointed 200 Black judges to the federal — I mean, judges to the federal bench.

And guess what? The next president — they're going to be able to appoint a couple of justices, and I'll be damned if they're not going to — (applause) —

Look, if, in fact, we're able to change some of the justices when they retire and put in re- — really progressive judges like we've always had, tell me that won't change your life when jus- — Trump justices are already gutting voting rights, overturning Roe, decimating affirmative action, and so much more. Are we going to let that happen? We can't.

AUDIENCE: Noo —

THE PRESIDENT: No, we — we really can't.

Now, let's talk about Trump's MAGA lies. I don't have an hour, but (inaudible) it. (Laughter.)

Trump takes credit for sending all the pandemic relief checks alone. It's a lie. The truth is the Congressional Black Caucus got that money passed. (Applause.)



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Now, let's talk about Trump's MAGA lies. I don't have an hour, but (inaudible) it. (Laughter.)

Trump takes credit for sending all the pandemic relief checks alone. It's a lie. The truth is the Congressional Black Caucus got that money passed. (Applause.)

And when Kamala and I came to office, with the help of the CBC, passed legislation to deliver more checks in the pockets to millions of Americans, including Black Americans — \$1,400 checks from the American Rescue Plan we passed, and then \$300 a month per child per family through the Child Tax Credit, which cut child poverty in half for Black families. (Applause.) And I'm going to get it reinstated in the second term.

Folks, Trump continues to lie by saying Black unemployment was at a record low on his watch. The fact is the record low unemployment happened on my watch, and we're going to keep it going. (Applause.)

Black small businesses are starting up at a faster rate in 30 years because of what we've done. The racial wealth gap is the lowest it's been in 20 years because of our efforts. A promise made and a promise kept.

I announced signif- — the most significant housing plan in 50 years that includes first-time homebuyer's tax credit, building millions of affordable housing to bring rents down. New data shows a 40 percent cut in the gap between home appraisals in majority white communities versus those of color — in communities of color.

You know, the same exact builder on av- — either — on either side of 95, build the same houses — if it's a Black community, it's lower — the value, from the very day it's built, ends up being lower than the exact same house across the highway in the white community.

We're doing everything we can to right that wrong.

And guess what? We're talking on corporate greed — (applause) — to bring down the price of gas, food, and rent; eliminating junk fees. Instead of getting charged 35 bucks for an overdraft, it's \$3 now, not \$35. (Applause.)

The bottom line is we've invested more in Black America than any previous administration in history has. We're opening more doors for economic opportunity, including access to capital, entrepreneurship, workforce training so you can build a life of financial freedom and create generational wealth, all — all while being the providers and leaders of your families and community. Another promise made and a promise kept.

We're just getting started. In a second term, we want to keep it going to level the playing field by making the wealthy begin to pay their fair tax. (Applause.) It ain't even close.

I said I'd not increase the tax of anybody making less than \$400,000 a year. Well, guess who — how much — guess how much the average federal tax rate is for a billionaire? We've got a thousand of them. 8.3 percent. 8.3

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we're just getting started. In a second, we want to keep it going to level the playing field by making the wealthy begin to pay their fair tax. (Applause.) It ain't even close.

I said I'd not increase the tax of anybody making less than \$400,000 a year. Well, guess who — how much — guess how much the average federal tax rate is for a billionaire? We've got a thousand of them. 8.3 percent. 8.3 percent. It's outrageous. If the billionaires only had to pay 25 percent, it would raise 40 — \$400 billion. We'd be able to do everything we're doing now and still reduce the debt.

Look, billionaires pay their fair share, not only would it save — not only reduce the deficit, but it could provide childcare, eldercare, paid leave, and so much more to change the lives of millions of Americans, as well as grow our economy.

But, folks, all progress, all freedom, all opportunities are at risk. Trump is trying to make the country forget just how dark and unsettling things were when he was president. But we'll never forget lying around and him — how he and — and us — him — him lying around, actually. (Laughter.) And lying about how serious the pandemic was and say he had no responsibility for it. And telling Americans, "Just inject a little bleach." Remember that?

The way he's acting, I think he injected a hell of a lot of bleach in himself. (Laughter.)

Trump —

AUDIENCE MEMBER: (Inaudible.)

THE PRESIDENT: (Laughs.) You got it, kid. (Laughter.)

Trump and his MAGA extremists want to give power back to Big Pharma to charge — continue to charge exorbitant fees. Trump is still determined, in his own words, quote, to "terminate" the Affordable Care Act, which would deny 3 million Black Americans health insurance, deny protections for preexisting conditions for millions more.

During his presidency, Trump enacted a \$2 trillion tax cut overwhelmingly benefitting the very wealthy and the biggest corporations and exploded the federal deficit. He racked up more federal debt than any president did in any presidential term in history. Tell me about the Republicans and balancing budgets. And now he wants to do it again.

At the same time, he is determined to cut Social Security and Medicare.

AUDIENCE: Booo —

THE PRESIDENT: I have a better idea: Let's protect Social Security and Medicare and make the very wealthy begin to pay for it. (Applause.)

As Kamala said, Trump brags about gutting Roe v. Wade — standing there, "I did this" — while he openly encourages voter suppression and election subversion.

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THE PRESIDENT: I have a better plan to protect Social Security and Medicare and make the very wealthy begin to pay for it. (Applause.)

As Kamala said, Trump brags about gutting Roe v. Wade — standing there, “I did this” — while he openly encourages voter suppression and election subversion.

Folks, reelect Kamala and me and a Democratic Congress, and I will sign the John Lewis Voting Right Act and the Freedom to Vote Act tomorrow — (applause) — and we will make Roe v. Wade the law of the land again. (Applause.) It’s within our power to do this.

MAGA extremists ban books. Did you ever think — if you’re anybody over 30 years old — you’d go through a period where we’re banning books in America? They’re trying to erase Black history. We’re going to write Black history, because it’s American history. (Applause.) It’s American history.

Together, we make history, not erase it.

To me, the values of diversity, equality, inclusion are literally — and this is not kidding — the core strengths of America. That’s why I’m proud to have the most diverse administration in history that taps into the full talents of our country. And it starts at the top with the Vice President.

On Memorial Day, I proudly stood with a Black man — the highest order — the first Black Secretary of Defense; second Black Chairman of the Joint Chiefs of Staff; Black woman heads of military units who are overseeing the most diverse, strongest fighting force in the history of the world. (Applause.)

And, folks, the threat that Trump poses is greater in his second term than his first. It’s clear that when he lost in 2020, something literally snapped in this guy. No, I’m serious. That’s why January 6th happened, when he unleashed an insurrection.

Now, he’s running again, and he’s clearly unhinged. He calls the insurrectionists who stormed the Capitol “patriots” — “patriots.” If reelected, he wants to pardon, quote, “every one” of them.

AUDIENCE: Booo —

THE PRESIDENT: Let me ask you, what do you think he would’ve done on January the 6th if Black Americans had stormed it — think about this: What do you think would have happened if Black Americans had stormed the Capitol? I don’t think he’d be talking about pardons.

This is the same guy who wanted to tear gas you as you peacefully protested George Floyd’s murder. The same guy who still calls the Central Park Five “guilty,” even though they were exonerated.

He’s that landlord who denies housing applications because of the color of your skin.

He’s that guy who won’t say “Black lives matter” and invokes neo-Nazi,

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protested George Floyd's murder. The same guy who still calls the Central Park Five "guilty," even though they were exonerated.

He's that landlord who denies housing applications because of the color of your skin.

He's that guy who won't say "Black lives matter" and invokes neo-Nazi, Third Reich terms.

And we all remember Trump is the same guy who unleashed birthism — the birtherism lie against Barack.

And then Trump tells you he's the greatest president — I love this one. He says he's the greatest president for BI- — Black people in the history of America, including more than Abraham Lincoln. (Makes sign of the cross.)

AUDIENCE: Booo —

THE PRESIDENT: I mean, can you fathom that? Where in the hell — (applause) — like I said, I think he injected too much of that bleach in his skin — into his brain. (Laughter.) I think it affected his brain.

Some lies are so foolish that you don't have to say anything about them at all.

Maya Angelou said, "When someone shows you who they are" —

AUDIENCE: Believe them!

THE PRESIDENT: — "believe them the first time." You got it, kid. (Laughter.) You got it.

I've shown you who I am, and Trump has shown you who he is. And today, Donald Trump is pandering and peddling lies and stereotypes for your votes so he can win for himself, not for you.

Well, Donald Trump, I have a message for you: Not in our house and not on our watch. (Applause.)

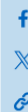
Let me close with this. Let me close with this. And, folks, I know we have a lot more to do. When the full promise of America is not available to every person in this country regardless of race, we've got work to do. But let's not lose sight of how far we've come. And the reason is you.

The stakes in this election couldn't be higher. What's at stake is nothing less than the fundamental ideal of America — it defines America: that we're all created equal, endowed by our Creator with certain inalienable rights, and should be treated that way throughout our lives. We've never lived up to it, but we've never, ever before completely walked away from it, either.

And I'll be damned if I'm going to let Donald Trump be the reason we stopped being America. (Applause.)

I'll be damned if I'm going to let Donald Trump — (applause) — we're not going to let Donald Trump turn America into a place that doesn't believe in

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but we've never, ever before completely walked away from it, either.

And I'll be damned if I'm going to let Donald Trump be the reason we stopped being America. (Applause.)

I'll be damned if I'm going to let Donald Trump — (applause) — we're not going to let Donald Trump turn America into a place that doesn't believe in honesty, decency, and treating people with respect. And I'll be damned if I'm going to let Donald Trump turn America into a place filled with anger and resentment and hate. (Applause.)

Folks, America has always been a place where we've worked toward a more perfect Union, where those who were excluded in the past are included in the promise in the country today. I still believe that. I'm still optimistic. But I need you.

So, my question for you is simple — a simple one: Are you with me?

AUDIENCE: Yes! (Applause.)

THE PRESIDENT: Talk to your family.

AUDIENCE: Four more years! Four more years! Four more years!

THE PRESIDENT: Spread the word.

AUDIENCE: Four more years! Four more years! Four more years!

THE PRESIDENT: As the gospel song goes, "We've come too far from where we started. Nobody told me the road would be easy. I don't believe He brought me this far, though, to leave me." (Applause.)

My fellow Americans, I don't think the good Lord brought us this far to leave us behind. We just have to remember who we are. We're the United States of America, and there is nothing — nothing, nothing — beyond our capacity when we act together.

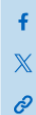
God bless you all. And may God protect our troops. (Applause.)

Thank you, thank you, thank you.

Every time — every time I walked out of my Grandfather Finnegan's house up in Scranton, he'd yell, "Joey, keep the faith." And my grandmother would yell, "No, Joey, spread it."

Go spread the faith. (Applause.)

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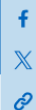
Go spread the faith. (Applause.)

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